

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

12/30/04

Case Number: 03-C-96-011288 AE
Date Filed: 11/06/1996
Status: Closed/Active
Case Flag:
Judge Assigned: To Be Assigned,
Location :

In The Matter of: Frederick J Radtke

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Reference Number	95-317-A
Case Folder ID	C96011288V01
	C9611288

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PET 001	Radtke, Frederick J	Party ID: 0118386	CT DO 07/22/97	11/06/96
	Attorney: 0000817 Brandes, Frederic M Frederic M Brandes Attorney And Counselor At Law 2126 Folkstone Road Village Of Cross Keys Timonium, MD 21093 (410)561-0290			11/06/96
PET 002	Radtke, Sherian	Party ID: 0154621	CT DO 07/22/97	05/12/97
	Capacity : His Wife			

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
ITP 001	Baltimore County Board Of Appeals		CT DO 07/22/97	11/06/96
		Party ID: 0118389		
	Mail: 400 Washington Avenue Room 49 Towson, MD 21204	11/06/96		
	Attorney: 0005744 Demilio, Carole S 206 Washington Avenue Towson, MD 21204 (410)825-6963			01/14/97
	0029075 Zimmerman, Peter M People's Counsel For Baltimore County Room 47 Courthouse 400 Washington Ave Towson, MD 21204 (410)887-2188			01/14/97
ITP 002	Crawford, Howard		CT DO 07/22/97	01/30/97
		Party ID: 0132953		
	Attorney: 0010289 Zerwitz, Wendy A 38 S Dundalk Ave Baltimore, MD 21222 (410)337-8600			01/30/97
ITP 003	Crawford, Ms		CT DO 07/22/97	01/30/97
		Party ID: 0132954		
	AKA Crawford, Susan			05/13/97
	Attorney: 0010289 Zerwitz, Wendy A 38 S Dundalk Ave Baltimore, MD 21222 (410)337-8600			01/30/97

CALENDAR EVENTS

Date	Time	Dur	Event Description	Text SA	Jdg Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec			
07/10/97	09:30A	02Q	Civil Non-Jury Trial	Y	TBA	01 /01	JD KV
	Conclude		07/11/97 C L.Daniels	Y			
Stenographer(s): Debbie Lambert							

DISPOSITION HISTORY

Disp Date	Disp Code	Description	Stage Code	Description	User
07/22/97	D0	Decree or Order	CT	AFTER TRIAL/HEARING	

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned,	J	11/06/96	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0001000	Petition for Judicial Review	11/04/96	11/06/96	PET001	TBA	07/22/97	CB MR
0001001	Response to Petition for Judicial Review.	01/13/97	01/14/97	ITP001	TBA	07/22/97	DFB MR
0001002	Answer filed by itp 2 & 3.	01/29/97	01/30/97	000	TBA	07/22/97	KP MR
0002000	Certificate Of Notice	01/09/97	01/10/97	000	TBA	07/22/97	JBK MR
0003000	Notice of Appeal Sent	03/10/97	03/10/97	ITP001	TBA	03/10/97	JBK JBK
0004000	Notice of Appeal Sent	03/10/97	03/10/97	ITP002	TBA	03/10/97	JBK JBK
0005000	Notice of Appeal Sent	03/10/97	03/10/97	ITP003	TBA	03/10/97	JBK JBK
0006000	Notice of Appeal Sent	03/10/97	03/10/97	PET001	TBA	03/10/97	JBK JBK
0007000	Transcript of Record from Adm Agency **	03/07/97	03/10/97	000	TBA	07/22/97	JBK MR
0008000	Notice - Recpt of Record of Proceedings ** copies sent.	03/07/97	03/10/97	000	TBA	07/22/97	JBK MR
0009000	Scheduling Order	04/02/97	04/02/97	000	TBA	04/02/97	JD JD
0010000	Memorandum	04/07/97	04/10/97	PET001	TBA	04/10/97	CB PH
0010001	Answer ** Filed by ITP002-Crawford, Howard, ITP003-Crawford, Ms	05/05/97	05/13/97	ITP002	TBA	07/22/97	PH MR

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0011000	Memorandum fd by People's Counsel's	05/07/97	05/08/97	000	TBA	05/08/97	CB CB
0012000	Rebuttal memorandum ** Filed by PET002-Radtke, Sherian, PET001-Radtke, Frederick J	05/12/97	05/13/97	PET002	TBA	05/13/97	PH PH
0013000	Open Court Proceeding Lawrence R. Daniels. Hearing had. Order to be filed.	07/11/97	07/11/97	000	LRD	07/22/97	KV MR
0014000	Order Affirming the decision of the Board of Appeals, etc.	07/22/97	07/22/97	000	TBA Granted	07/22/97	MR MR
0015000	sent docket entries to board of appeals	08/07/97	08/07/97	000	TBA		LC LC

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1ANS	1st Answer Tickle	CLOSED	01/13/97	0	no	no	DANS	D	001	001
1YRT	One Year Tickle (Jud	CLOSED	11/04/97	365	no	no	DAAA	D	000	000
EXPU	Exhibit Pickup Notic	OPEN	09/20/97	30	no	no			000	000
SLTR	Set List For Trial	DONE	01/13/97	0	yes	yes	1ANS	T	001	001

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
000		ITP 001	Baltimore County Board Of App					
		B	BOX 491 CBA TRANSC	B				

DIFFERENTIATED CASE MANAGEMENT**TRACKS AND MILESTONES**

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 04/02/97 Order Date : 04/02/97
Start Date : 04/02/97 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322C	04/17/97	07/22/97	CLOSED	

03-C-96-011288 Date: 12/30/04 Time: 11:02

Page: 5

Milestone	Scheduled	Target	Actual	Status
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All Motions (excluding Motions in Limine	05/31/97	07/22/97	CLOSED	
TRIAL DATE is	07/10/97	07/01/97	07/11/97	REACHED

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

08/07/97

Case Number: 03-C-96-011288 AE
Date Filed: 11/06/96
Status: Closed/Active
Reference Number: 95-317-A
Judge Assigned: To Be Assigned,

In The Matter of: Frederick J Radtke

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Reference Number	95-317-A

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Dispo	Entered
PET 001	Radtke, Frederick J Attorney: 0000817 Brandes, Frederic M. Law Offices Of Peter G. Angelos 5905 Harford Road Baltimore, MD 21214 (410)426-3200	CT DO	07/22/97 11/06/96
PET 002	Radtke, Sherian Capacity : His Wife	CT DO	07/22/97 05/12/97
ITP 001	Baltimore County Board Of Appeals Attorney: 0005744 Demilio, Carole Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410)887-2188 0029075 Zimmerman, Peter M 606 Baltimore Ave Suite 204 Towson, MD 21204 (410)296-2424	CT DO	07/22/97 11/06/96

97 AUG 13 PM 12:06
RECEIVED
COUNTY BOARD OF APPEALS

Type Num	Name(Last,First,Mid,Title)	Dispo	Entered
ITP 002	Crawford, Howard	CT DO	07/22/97 01/30/97

Attorney: 0010289 Zerwitz Esq, Wendy A
 Legg Mason Center Ste 310
 600 Washington Avenue
 Towson, MD 21204
 (410)337-8600

ITP 003	Crawford, Ms	CT DO	07/22/97 01/30/97
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Attorney: 0010289 Zerwitz Esq, Wendy A
 Legg Mason Center Ste 310
 600 Washington Avenue
 Towson, MD 21204
 (410)337-8600

AKA Crawford, Susan

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Jdg L	Day	Of	RsIt	By	ResultDt	Jdg T	Notice	Rec
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07/10/97	09:30A	002	yes	CIVI	TBA	D	01	/01	CON	C	07/11/97	LRD	P	Y
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Stenographer(s): Debbie Lambert

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal	RSN
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TBA To Be Assigned,	J	11/06/96		
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DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
001000	Petition for Judicial Review	11/06/96	11/04/96	TBA	PET001		07/22/97	CB	MR
001001	Response to Petition for Judicial Review.	01/14/97	01/13/97	TBA	ITP001		07/22/97	DFF	MR
001002	Answer filed by itp 2 & 3.	01/30/97	01/29/97	TBA	000		07/22/97	KP	MR
002000	Certificate Of Notice	01/10/97	01/09/97	TBA	000		07/22/97	JH	MR
003000	Notice of Appeal Sent	03/10/97	03/10/97	TBA	ITP001	03/10/97	03/10/97	JH	JH
004000	Notice of Appeal Sent	03/10/97	03/10/97	TBA	ITP002	03/10/97	03/10/97	JH	JH

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
005000	Notice of Appeal Sent	03/10/97	03/10/97	TBA	ITP003	03/10/97	03/10/97	JH	JH
006000	Notice of Appeal Sent	03/10/97	03/10/97	TBA	PET001	03/10/97	03/10/97	JH	JH
007000	Transcript of Record from Adm Agency **	03/10/97	03/07/97	TBA	000		07/22/97	JH	MR
008000	Notice - Recpt of Record of Proceedings ** copies sent.	03/10/97	03/07/97	TBA	000		07/22/97	JH	MR
009000	Scheduling Order	04/02/97	04/02/97	TBA	000	04/02/97	04/02/97	JD	JD
010000	Memorandum	04/10/97	04/07/97	TBA	PET001		04/10/97	CB	PH
010001	Answer ** Filed by ITP002-Crawford, Howard, ITP003-Crawford, Ms	05/13/97	05/05/97	TBA	ITP002		07/22/97	PH	MR
011000	Memorandum fd by People's Counsel's	05/08/97	05/07/97	TBA	000		05/08/97	CB	CB
012000	Rebuttal memorandum ** Filed by PET002-Radtke, Sherian, PET001-Radtke, Frederick J	05/13/97	05/12/97	TBA	PET002		05/13/97	PH	PH
013000	Open Court Proceeding Lawrence R. Daniels. Hearing had. Order to be filed.	07/11/97		LRD	000		07/22/97	KV	MR
014000	Order Affirming the decision of the Board of Appeals, etc.	07/22/97		TBA	000	Granted	07/22/97	MR	MR
015000	sent docket entries to board of appeals	08/07/97		TBA	000			LC	LC

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type
1YRT	One Year Tickle (Jud	CLOSED	11/04/97	365	no	no		DAAA D
1ANS	1st Answer Tickle	CLOSED	01/13/97	0	no	no		DANS D
SLTR	Set List For Trial	DONE	01/13/97	0	yes	yes		1ANS T
EXPU	Exhibit Pickup Notic	OPEN	09/20/97	30	no	no		

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
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Offered By: ITP 001 Baltimore County Board Of App								
000		B	BOX 491 CBA TRANSC	B				

DIFFERENTIATED CASE MANAGEMENT
TRACKS AND MILESTONES

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 04/02/97 Order Date : 04/02/97
Start Date : 04/02/97 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(04/17/97	07/22/97	CLOSED	
All Motions (excluding Motions in Limine	05/31/97	07/22/97	CLOSED	
TRIAL DATE is	07/10/97	07/01/97	07/11/97	REACHED

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

RE: PETITION OF FREDERICK RADTKE, ET UX

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS OF BALTIMORE
COUNTY 400 Washington Avenue, Room 49
Towson, MD 21204

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF FREDERICK J. RADTKE, ET UX
FOR A VARIANCES ON PROPERTY LOCATED AT
8240 NORTHVIEW ROAD, 12th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT

IN THE BALTIMORE COUNTY BOARD OF APPEALS
CASE NO: CBA-95-317-A

* * * * *

Civil Action No.

3-C-96-11288

ORDER

The within matter having come before the Court on the merits
of the Petitioner's appeal from the decision of the Board of
Appeals for Baltimore County, and argument of counsel having been
considered in connection with the matter, it is therefore, this
18TH day of JULY, 1997, by the Circuit Court for Baltimore
County:

ORDERED:

1. That the decision of the Board of Appeals in the within
matter is hereby affirmed for the reasons stated on the record in
open court on July 10, 1997.

Lawrence R. Daniels
JUDGE

FILED JUL 22 1997

cc: Zimmerman, Bransler & Zervitz

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF FREDERICK J. RADTKE, ET UX
704 ELMWOOD ROAD
BALTIMORE, MARYLAND 21207

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 3-C-96-11288

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF
FREDERICK J. RADTKE, ET UX
FOR VARIANCE ON PROPERTY LOCATED
ON THE NORTH SIDE OF NORTHVIEW ROAD,
800' EAST OF NORTHVIEW ROAD, 800'
EAST OF CENTERLINE FAIRCRESS ROAD
(8240 NORTHVIEW ROAD)
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
CASE NO. 95-317-A

* * * * *

**PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Kristine K. Howanski, Charles L. Marks, Harry E. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
OF BALTIMORE COUNTY**

No. 95-317-A

March 10, 1995

Petition for Variance filed by Norman R. Stone, Jr., on behalf of Frederick J. Radtke, Jr. and Sherian M. Radtke, for a side yard setback of 0' in lieu of 27.5' for existing garage; height of 22.9' in lieu of 15' on garage front; and 16' in lieu of 25' on

March 24

Publication in newspapers.

March 28, 1995	Certificate of Posting of property.
April 6	ZAC Comments.
April 13	Hearing held on Petition by the Zoning Commissioner.
June 21	Order of the Zoning Commissioner in which Petition for Variance was DENIED in part; and GRANTED in part with restrictions.
July 12	Notice of Appeal filed by Frederic M. Brandes, Esquire, on behalf of Frederick J. Radtke, Jr., et ux.
September 10, 1996	Hearing before the Board of Appeals. Deliberation conducted by the Board at the conclusion of the hearing.
October 4	Opinion and Order of the Board in which the Petition for Variance was DENIED; Garage shall be removed within 120 days of the date of this order.
November 4	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Frederic M. Brandes, Esquire, on behalf of Frederick J. Radtke, et ux.
January 8, 1997	Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County. (CBA obtained copy of Petition after receiving telephone inquiry as to CCT appeal).
January 9	Certificate of Notice sent to interested parties.
March 7, 1997	Record of proceedings and transcript of testimony filed in the Circuit Court.
Petitioners' Exhibits No. 1-Building Permit 2-Plat	
Protestants' Exhibits No. 1-Photo of Radtke shed 2-Photo of Crawford shed 3-Photo of Properties from water 4-Photo of sub. bldg. to left 5-Photo of Radtke waterfront 6-List of Protestants Names	
People's Counsel Exhibit No. 1-Zoning Map	

March 7, 1997 Record of Proceedings filed in the Circuit Court
for Baltimore County.

Record of Proceedings pursuant to which said Order was entered
and upon which said Board acted are hereby forwarded to the Court,
together with exhibits entered into evidence before the Board.

Respectfully submitted,

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals of Baltimore
County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: Frederic M. Brandes, Esquire
Frederick J. Radtke, et ux
Wendy A. Zerwitz, Esquire
People's Counsel for Baltimore County
Virginia W. Barnhart, County Attorney

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF FREDERICK J. RADTKE, ET UX
704 ELMWOOD ROAD
BALTIMORE, MARYLAND 21207

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 3-C-96-11288

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF
FREDERICK J. RADTKE, ET UX
FOR VARIANCE ON PROPERTY LOCATED
ON THE NORTH SIDE OF NORTHVIEW ROAD,
800' EAST OF NORTHVIEW ROAD, 800'
EAST OF CENTERLINE FAIRCRESS ROAD
(8240 NORTHVIEW ROAD)
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
CASE NO. 95-317-A

RECEIVED AND FILED
97 JAN -9 PM 2:30
CLERK OF THE COURT
BALTIMORE COUNTY

* * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Kristine K. Howanski, Charles L. Marks, Harry E. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Frederic M. Brandes, Law Office of Peter G. Angelos A Professional Corporation, 5905 Harford Road, Baltimore, Maryland 21214, Petitioners; Frederick J. Radtke, et ux, 704 Elmwood Road, Baltimore, MD 21206, Petitioner; Wendy A. Zerwitz, Esquire, 600 Washington Avenue, Towson, MD 21204, Counsel for Protestants; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204; a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Charlotte E. Radcliffe
Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to; Frederic M. Brandes, Law Office of Peter G. Angelos A Professional Corporation, 5905 Harford Road, Baltimore, Maryland 21214, Petitioners; Frederick J. Radtke, et ux, 704 Elmwood Road, Baltimore, MD 21206, Petitioner; Wendy A. Zerwitz, Esquire, 600 Washington Avenue, Towson, MD 21204, Counsel for Protestants; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204, this 9th day of January, 1997.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 9, 1997

Frederic M. Brandes, Esquire
Law Office of Peter G. Angelos
A Professional Corporation
5905 Harford Road
Baltimore, Maryland 21214

RE: Civil Action No. 3-C-96-11288
FREDERICK J. RADTKE, ET UX

Dear Mr. Brandes:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days from January 8, 1997 (date received by the County Board of Appeals).

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Frederick J. Radtke, et ux





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 9, 1997

Wendy A. Zerwitz, Esquire
606 Washington Avenue
Towson, Maryland 21204

RE: Civil Action No. 3-C-96-11288
FREDERICK J. RADTKE, ET UX

Dear Ms. Zerwitz:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on November 4, 1996 (received by County Board of Appeals January 8, 1997) in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-96-11288.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Mr. and Mrs. Howard Crawford
Mr. James H. Gillman
Mr. and Mrs. William Linthicum
Mr. and Mrs. Frank Michny
People's Counsel for Baltimore County
Pat Keller /Planning
Lawrence E. Schmidt /PDM
Arnold Jablon /PDM
Virginia W. Barnhart, County Attorney




IN THE MATTER OF THE APPLICATION
OF FREDERICK J. RADTKE, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE
NORTHVIEW ROAD, 800' EAST OF
CENTERLINE FAIRCRESS ROAD
(8240 NORTHVIEW ROAD)
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

TO file
* BEFORE THE COUNTY
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 95-317-A

* * * * *

NOTICE OF APPEAL

Please note an appeal from the Opinion and Order of the County Board of Appeals of
Baltimore County dated October 18, 1996 and signed by Kristine K. Howanski, Charles L.
Marks and Harry E. Buchheister.



Frederic M. Brandes
Law Office of Peter G. Angelos
A Professional Corporation
5905 Harford Road
Baltimore, Maryland 21214
Attorneys for Frederick J. Radtke

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of October, 1996, I sent a copy of the
aforegoing, first class mail, postage pre-paid, to:

Paul Lee Engineering, Inc.
Wendy A. Zerwitz, Esquire
Mr. and Mrs. Howard Crawford
Mr. James H. Gillman
Mr. and Mrs. William Linthicum
Mr. and Mrs. Frank Michny
People's Counsel for Baltimore County
Pat Keller/Planning Director
Arnold Jablon, Director/PDM
Virginia W. Barnhart, County Attorney



Frederic M. Brandes



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 18, 1996

Frederic M. Brandes, Esquire
Union Park Center
5905 Harford Road
Baltimore, MD 21214-1846

RE: Case No. 95-317-A
Frederick J. Radtke, et ux

Dear Mr. Brandes:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe
Kathleen C. Bianco
Legal Administrator

encl.

cc: Mr. and Mrs. Frederick J. Radtke /Appellants
Paul Lee Engineering, Inc.
Wendy A. Zerwitz, Esquire
Mr. and Mrs. Howard Crawford
Mr. James H. Gillman
Mr. and Mrs. William L. Linthicum
Mr. and Mrs. Frank Michny
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 N/S Northview Road, 800 ft. E
 of c/l Faircress Road * ZONING COMMISSIONER
 8240 Northview Road
 12th Election District * OF BALTIMORE COUNTY
 7th Councilmanic District
 Frederick J. Radtke, Jr., et ux * Case No. 95-317-A
 Petitioners
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 8240 Northview Road in Eastern Baltimore County. The Petition is filed by Frederick J. Radtke, Jr., and Sherian M. Radtke, his wife, property owners. Variance relief is requested from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft. for an existing garage in lieu of the required 2-1/2 ft. and to permit a height of the said building of 22.9 ft. in lieu of the required 15 ft. Also, relief is requested from Section 1B02.3.C.1 of the BCZR to allow a 16 ft. front yard setback for an existing garage in lieu of 25 ft. The requested relief and subject property are more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case were the property owners, Frederick J. Radtke, Jr., and Sherian M. Radtke. Also appearing on their behalf was Paul Lee, a Professional Civil Engineer, who prepared and the site plan. Virgil LeMaster, a former owner of the subject property appeared and testified on behalf of the Petitioners. The Petitioners were represented by Frederic M. Brandes, Esquire. Appearing in opposition to the request were several neighboring property owners. These included Howard and Susan Crawford, residents next door, William and Dorothy Linthicum and Frank and Helen Michny. Niles Jones, Building Inspector and Leonard Wasilewski, Zoning Inspector, also appeared from Baltimore County.

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 Date 6/21/95
 By M. Novak

The subject property is approximately .169 acres in area and zoned D.R.5.5. This is a waterfront property which fronts Bull Neck Creek. As is the case with such waterfront property in Baltimore County, the site is part of an old subdivision and was developed many years ago. Present improvements on the site include an existing 1-1/2 story dwelling and the subject two story concrete block garage.

Mr. Lee presented the site plan and testified that he believed that the subdivision was recorded in the Land Records of Baltimore County approximately 1942. Apparently, the property was developed shortly thereafter, although Mr. Lee was personally unfamiliar with the property until retained by Mr. Radtke for this variance hearing.

The subject of the hearing relates to requested variances for the garage. Waterfront property in Baltimore County is obviously unique owing to its orientation towards the water. The BCZR have consistently interpreted the front yard of waterfront property as that portion of the lot between the house and the water. The subject garage is located in the front yard of this lot. The garage also abuts the property line with an adjoining lot known as 8238 Northview Road. Mr. Lee also testified that he had never seen the garage prior to the time renovations were recently made on same and he testified that he did not actually field measure the garage's present height.

Also testifying on behalf of the Petitioners was Virgil LeMaster, former owner of the subject property. He owned the site from 1956 until he sold same to Mr. and Mrs. Radtke last year. He testified that the garage and house existed on the property during his period of ownership. He has not seen the garage since same was recently renovated and thus was unable to compare the present height of the garage to its prior height.

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Date 6/21/95
By M. Howard

Also testifying was the Petitioner, Frederick J. Radtke, Jr. He corroborated that he has owned the property for approximately one year and indicated that the site was improved with the existing dwelling and a garage when he purchased same. He further testified that the garage building, when he acquired the site, was deteriorated and in need of repairs. At that time, the configuration of the garage was such that same had a block base and a cathedral style roof. He testified that the peak of the roof was approximately 14 ft. above where the block ended and that the block was 8 ft. in height. Thus, in his opinion, the garage totaled 22 ft. in height above grade. Also, he testified that there was a limited second story area in the garage for storage.

Due to the damage done to the garage occasioned by years of neglect, he decided to replace the roof. Mr. Radtke testified that a permit was obtained and produced a copy of same (Petitioners' Exhibit No. 2, Permit No. B199748). That permit allows for the replacement of the damaged metal roof of the existing garage. Moreover, the permit shows that the garage would remain 21 ft. in height. Certain improvements and repairs have been undertaken and have cost the Petitioner approximately \$5,000.00. Most importantly, the appearance of the roof has changed dramatically. Rather than an acutely angled cathedral roof, the present roof is now more similar to a barn style. As photographs show, a second story has been placed on top of the block base. Mr. Radtke testified that the height of the garage has not changed, although no doubt a significantly increased second story area has been added.

Testimony was also received from Niles Jones, Building Inspector, and Leonard Wasilewski, Zoning Inspector. Neither of these County representatives had seen the old garage prior to the repair work being done, thus, neither were able to testify as to the old garage's height. Mr. Jones

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Date

By

6/21/95
Mr. Novak

explained the permit process and his investigation of the site. He noted that a stop work Order was issued after construction began because a question arose as to whether the work was within the authority of the permit.

Numerous residents from the surrounding locale also testified. They included Mr. and Mrs. Crawford who have resided next door since 1989. They both testified that the garage is significantly different in configuration and height at the present time than was in the past. They produced a number of photographs which show the old garage and the present structure. They object to the present structure believing that it overwhelms the property and dominates their view of the water and surrounding neighborhood.

These sentiments were shared by other witnesses who testified, including Mr. and Mrs. Michny and Mr. and Mrs. Linthicum.

A review of the precise relief requested is significant. As noted herein above, the Petitioner seeks variances to permit the garage pursuant to Section 307 of the BCZR. The Petition does not ask for relief pursuant to Section 305 (replacement of destroyed or damaged dwellings) or Section 104 (nonconforming uses) of the BCZR. In my judgment, Section 305 is not applicable. It relates to the replacement of damaged dwellings, not garages. Moreover, the section allows the repair or replacement of a dwelling higher or larger than allowed by regulation in the event of complete or partial loss due to fire, windstorm or flood. Not only is the subject garage not a dwelling, its repair is not occasioned by fire, windstorm or flood. Thus, this section is not applicable.

Moreover, Section 104 does not apply. That section governs nonconforming uses. In essence, a nonconforming use validates a use or building, irrespective of the fact that same does not comply to current regulations. In effect, a nonconforming use can be utilized to grandfather an

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6/24/98

By

existing use. However, nonconforming uses cannot be expanded by more than 25% of the ground floor area, pursuant to Section 104.3. The Petitioner has not requested a nonconforming relief in this case. There was no evidence presented that the building predates the adoption of the zoning code, notwithstanding the fact that it is apparently quite old. Moreover, the present improvements may well exceed the 25% threshold requirement in Section 104.3 of the BCZR. In any event, issues relating to a nonconforming use are not before me.

Turning to the requirements of Section 307, that section provides that the Petitioner must demonstrate a practical difficulty or unreasonable hardship for relief to be granted. Moreover, the relief cannot be granted if same is not within the spirit and intent of the regulations and only if such relief does not injure the public health, safety or general welfare.

The Court of Special Appeals comprehensively, discussed the variance standard in Cromwell v. Ward, 102 Md. App 691 (1995). In essence, the Court concluded that variance relief may only be granted if the Petitioner shows unique circumstances exist which justify a deviation from the regulation. Moreover, such relief cannot be granted for reasons of convenience or economics.

In adjudging the merits of this case, I am convinced that the Petitioner has failed to meet his burden under law. Although proceeding under the guise of repairing a damaged roof, it is clear that the Petitioner is attempting to dramatically alter the nature of the building. I concur with the Protestants' opinions that the building is unsightly and detrimentally impacts this entire neighborhood. Although no evidence was offered by any witness as to the precise height of the old structure as compared with the present structure, the photographs clearly demonstrate that the

new building is higher. Moreover, contrary of the Petitioner's own testimony, it is clear that the block base has been raised in height. Moreover, the second story addition dwarfs what previously existed. Based on these factors, variances necessary to permit the "new" garage should not be granted.

Moreover, I am not persuaded by the Petitioner's argument of adverse economic impact. That is not a factor that can serve as a basis for variance relief and, in any event, is self imposed in this case. In my judgment, the Petitioner misrepresented his true intent when applying for a permit to replace the roof. The second story addition is clearly beyond what is honestly envisioned when one reviews the requested action on the permit.

Requiring the Petitioner to return the structure to its former size and height is appropriate. Thus, certain parts of the requested variance relief will be granted. The original footprint of the building shows that same was 19 ft. from the property line (waterfront side). Thus, variance relief to allow a 19 ft. front yard setback (in lieu of 25 ft.) will be allowed. The request for a side yard setback variance will be denied. It appears that the original footprint of the garage observed the 2-1/2 ft. setback. As is demonstrated by the photographs, the "new" second story overhangs the perimeter of the old garage by 3 ft. on all sides. Variance relief will not be granted to allow the overhang. Thus, the required side yard setback must be maintained.

As to the height limitation, no variance relief is warranted. Strict adherence to the 15 ft. limitation will be required. Moreover, the height shall be measured in accordance with the BCZR and the Zoning Commissioner's Policy Manual. Those regulations require height to be determined by computing the natural grade and measuring the distance therefrom to the

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Date

6/21/95

By

M. Zorab

high point of the roof. Regrading of the property to establish a false grade is not permissible.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of June, 1995 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 ft. for an existing garage in lieu of the required 2-1/2 ft., be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance to permit a height of the said building of 22.9 ft. in lieu of the required 15 ft., be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 1B02.3.C.1 of the BCZR to allow a 19 ft. front yard setback for an existing garage in lieu of 25 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. The garage shall be remodeled so as to occupy an area no larger than its original footprint, while observing the height limitation, within 90 days from the date of this Order.

ORDER RECEIVED FOR FILING

Date

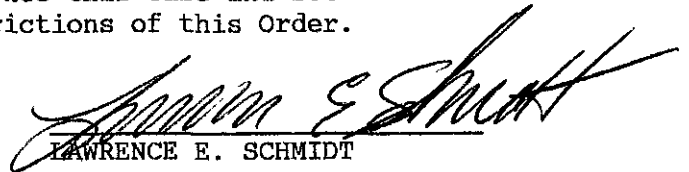
6/21/95

By

M. Noah

4. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

COPIES RECEIVED FOR FILING
Date 6/21/95
By Mr. Noah

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 20, 1995

Frederic M. Brandes, Esquire
Law Offices of Peter G. Angelos
6905 Dunmanway
Dundalk, Maryland 21222

RE: Case No. 95-317-A
Petition for Zoning Variance
Property: 8240 Northview Road
Frederick J. Radtke, Jr., et ux, Petitioners

Dear Mr. Brandes:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted in part, with restrictions, and denied in part, accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Paul Lee Engineering
~~cc:~~ Mr. and Mrs. Frederick J. Radtka, Jr.
✓ Mr. and Mrs. Howard Crawford
✓ Mr. and Mrs. William Linthicum
✓ Mr. and Mrs. Frank Michny
✓ Mr. James H. Gillman
~~cc:~~ Zoning Enforcement Office



#312



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

8240 Northview Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 & 400.3 of the rear to permit a side yard setback of 0' for an existing garage in lieu of the required 2.5' and a height of 22.9' in lieu of the required 15' (a variance of 2.5' & 7.9') and Sect. 1802.3C1 for a 16' front setback for ex. garage in lieu of 25' (if applicable). of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Norman R. Stone, Jr.
(Type or Print Name)

Signature

6905 Dunmanway (410) 284-2860/288-5270
Address Phone No.

Dundalk, Maryland 21222
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Frederick J. RADTKE JR.
(Type or Print Name)

Signature

Sherian M. RADTKE
(Type or Print Name)

Signature

704 Elmwood Rd. 6682527
Address Phone No.

Baltimore Md 21206
City State Zipcode

Name, Address and phone number or representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: MDH DATE 3/10/95



Paul Lee, P.E.

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5941

95-317-A

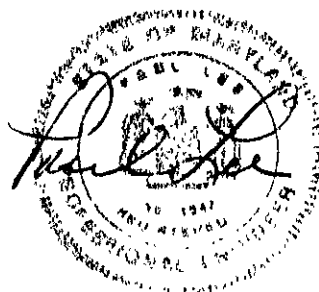
DESCRIPTION

#8240 NORTHVIEW ROAD

ELECTION DISTRICT 12C7 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the north side of Northview Road, said point also being located Easterly - 800 feet [±] from the intersection of Bullneck and Faircross Roads; thence leaving said north side of Northview Road (1) N 46°29'40" E - 128.23 feet, thence (2) S 45°26'00" E - 19.99 feet, thence (3) S 36°54'00" E - 28.99 feet and (4) S 45°52'10" W - 125.45 feet to the north side of Northview Road; thence running on the north side of Northview Road by a curve to the right (5) R = 4583.60 feet for a length of 50.00 feet to the point of beginning.

Containing 6125 s.f. of ground more or less.



J.O. 94-045
1-17-95

312

Engineers — Surveyors — Site Planners



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-317-A

Account: R-091-6150

Number

Item: 312

Taken In By: MCK

Date

5-10-95

Radtke, - 8240 Northview Road
Frederick

010 - Res Variance - \$50.00

080 - 1 sign - \$35.00

Total - \$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-317-17
Towson, Maryland

District: 12th Date of Posting: 3/28/95
Posted for: Variation
Petitioner: Frederick J. & Sherian M. Radtke
Location of property: 8240 Northview Rd, N/S
Location of Signs: Facing road way, on property being zoned.
Remarks: _____
Posted by: [Signature] Date of return: 3/31/95
Signature
Number of Signs: 1



COUNTY BOARD OF ZONING

95 AUG 11 PM 12:45

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-317A

District 12th

Date of Posting 8/5/95

Posted for: Appeal

Petitioner: Fredrick J. Radtke, Jr.

Location of property: 8240 Northview Rd,

Location of Signs: Facing road way on property being appealed

Remarks:

Posted by M. M. M. M.
Signature

Date of return: 8/12/95

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118 Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-317-A
(Item 312)
8240 Northview Road
N/S Northview Road, 800'
E of c/ Faircrest Road
12th Election District
7th Councilmanic
Legal Owner(s):
Frederick J. Radtke, Jr.
and Sherian M. Radtke
Hearing: Thursday,
April 13, 1995 at 9:00
a.m. in Rm. 118, Old
Courthouse.

Variance of the rear to permit a side yard setback of zero feet for an existing garage in lieu of the required 2.5 feet and a height of 22.9 feet in lieu of the required 15 feet; and for a 16-foot front setback for existing garage in lieu of 25 feet (if applicable).

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3381.
3/317 March 23.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/24, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/9, 1995.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

Publisher

PETITION OF: FREDERICK J. RADTKE, ET UX

CIVIL ACTION # 3-C-96-11288

IN THE MATTER OF FREDERICK J. RADTKE, ET UX

RECEIVED FROM THE COUNTY BOARD OF
APPEALS EXHIBITS, BOARD'S RECORD
EXTRACT & TRANSCRIPT FILED IN THE
ABOVE-ENTITLED CASE, AND ZONING
COMMISSIONER'S FILE AND EXHIBITS

Mary B Ros
Clerk's Office

Date: 3/7/97

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE July 28, 1995 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Peter G. Angelos, Esquire

FOR: Appeal/Case No. 95-317-A (Item No. 312)
Frederick J. Radtke, et ux - Petitioners
01A01#0721NICHRC \$210.00
BA 6002+26PH07-28-95

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Case No. 95-317-A

Frederick J. Radtke, Jr., et ux - Petitioner

N/s Northview Road, 800' E of c/l
Faircress Road (8240 Northview Road)

12th Election District

Appealed: 7/12/95



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 312

Petitioner: Frederick J. Radtke, Jr.

Location: 8240 Northview Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Norman R. Stone, Jr.

ADDRESS: 6905 Dunmanway

Dundalk, Md. 21222

PHONE NUMBER: (410) 284-2860 / 288-5270

AJ:ggs

(Revised 04/09/93)



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 20, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-317-A (Item 312)

8240 Northview Road

N/S Northview Road, 800' E of c/l Faircrest Road

12th Election District - 7th Councilmanic

Legal Owner(s): Frederick J. Radtke, Jr. and Sherian M. Radtke

HEARING: THURSDAY, APRIL 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance of the rear to permit a side yard setback of zero feet for an existing garage in lieu of the required 2.5 feet and a height of 22.9 feet in lieu of the required 15 feet; and for a 16-foot front setback for existing garage in lieu of 25 feet (if applicable).

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Frederick and Sherian Radtke
Norman R. Stone, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



COPY

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 10, 1995

NOTICE OF REASSIGNMENT

CASE NUMBER: 95-317-A (Item 312)
8240 Northview Road
N/S Northview Road, 800' E of c/l Faircress Road
12th Election District - 7th Councilmanic
Legal Owner(s): Frederick J. Radtke, Jr. and Sherian M. Radtke

Variance of the rear to permit a side yard setback of zero feet for an existing garage in lieu of the required 2.5 feet and a height of 22.9 feet in lieu of the required 15 feet; and for a 16-foot front setback for existing garage in lieu of 25 feet (if applicable).

HEARING: THURSDAY, JUNE 15, 1995 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

ARNOLD JABLON
DIRECTOR

cc: Norman R. Stone, Jr., Esq.
Frederick J. Radtke, Jr.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 12, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 95-317-A

FREDERICK J. RADTKE, ET UX
N/s Northview Road, 800' E of c/l Faircress
Road (8240 Northview Road)
12th Election District
7th Councilmanic District

VAR -Side yard setback of 0' in lieu of required 2-1/2' for existing garage and height of said building of 22.9' in lieu of required 15'; front yard setback of 16' in lieu of required 25' for existing garage.

6/20/95 -Z.C.'s Order in which Petition for Variances DENIED as to side yard setback and height variances; GRANTED as to front yard setback of 19'(building to be remodeled).

ASSIGNED FOR:

TUESDAY, FEBRUARY 6, 1996 at 10:00 a.m.

cc: Frederic M. Brandes, Esquire Counsel for Petitioners /Appellants
Mr. and Mrs. Frederick J. Radtke Petitioners /Appellants

Paul Lee Engineering, Inc.
Mr. James H. Gilman
Mr. and Mrs. William L. Linthicum
Mr. and Mrs. Frank Michny
Mr. and Mrs. Howard Crawford
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
James H. Thompson /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 6, 1996

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE AND PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 95-317-A

FREDERICK J. RADTKE, ET UX
N/s Northview Road, 800' E of c/l Faircress
Road (8240 Northview Road)
12th Election District
7th Councilmanic District

VAR -Side yard setback of 0' in lieu of reqd 2-1/2' for existing garage and hght of 22.9' in lieu of reqd 15'; front yd setback of 16' in lieu of reqd 25' for existing garage.

6/20/95 -Z.C.'s Order in which Petition for Variances DENIED as to side yd setback and hght variances; GRANTED as to front yd setback of 19'(building to be remodeled).

which was scheduled to be heard on February 6, 1996 was POSTPONED ON THE RECORD at the request of Counsel for Petitioners /Appellants and a new date assigned as indicated on the record; and has been

REASSIGNED FOR: TUESDAY, JULY 2, 1996 at 10:00 a.m.

cc: Frederic M. Brandes, Esquire Counsel for Petitioners /Appellants
Mr. and Mrs. Frederick J. Radtke Petitioners /Appellants
Paul Lee Engineering, Inc.
Mr. James H. Gilman
Mr. and Mrs. William L. Linthicum
Mr. and Mrs. Frank Michny
Mr. and Mrs. Howard Crawford
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
James H. Thompson /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant



90-4 101 S- 2000 96



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 7, 1996

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE AND PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 95-317-A

FREDERICK J. RADTKE, ET UX
N/s Northview Road, 800' E of c/l Faircress
Road (8240 Northview Road)
12th Election District
7th Councilmanic District

VAR -Side yard setback of 0' in lieu of reqd 2-1/2' for existing garage and hght of 22.9' in lieu of reqd 15'; front yd setback of 16' in lieu of reqd 25' for existing garage.

6/20/95 -Z.C.'s Order in which Petition for Variances DENIED as to side yd setback and hght variances; GRANTED as to front yd setback of 19'(building to be remodeled).

which had been previously postponed to July 2, 1996 HAS BEEN POSTPONED at the request of Counsel for Protestants, and without objection by People's Counsel or Counsel for Petitioners; and has been

REASSIGNED FOR: TUESDAY, SEPTEMBER 10, 1996 at 10:00 a.m.

cc: Frederic M. Brandes, Esquire Counsel for Petitioners /Appellants
Mr. and Mrs. Frederick J. Radtke Petitioners /Appellants
Paul Lee Engineering, Inc.
Wendy A. Zerwitz, Esquire Counsel for Protestants
Mr. and Mrs. Howard Crawford
Mr. James H. Gilman
Mr. and Mrs. William L. Linthicum
Mr. and Mrs. Frank Michny
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
James H. Thompson /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 29, 1996

Kathleen C. Bianco, Legal Administrator
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

JUL 29 PM 3:39

Hand-delivered

Re: PETITION FOR VARIANCE
8240 Northview Road, N/S Northview
Road, 800' E of c/l Faircress Road
12th Election Dist., 7th Councilmanic
PETITIONERS: FREDERICK RADTKE, ET UX.
Case No. 95-317-A
Hearing Date: 9/10/96, 10:00 a.m.

Dear Ms. Bianco:

Please be advised that, despite our request for a different date, the Court of Appeals has scheduled argument in Sycamore Realty, Inc. v. People's Counsel (No. 130, Sept. Term 1995) for September 10, 1996 at 10:00 a.m. (see attached copies of correspondence with the Court).

We would therefore respectfully request that you set the above case in for the afternoon of September 10, at 1:00 p.m. or later. We have spoken with Frederick Brandes, Esq. and Wendy Zerwitz, Esq., and they have no objection to our request.

Thank you for your cooperation.

Very truly yours,

A handwritten signature in cursive script, reading "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

A handwritten signature in cursive script, reading "Carole S. Demilio".

Carole S. Demilio
Deputy People's Counsel

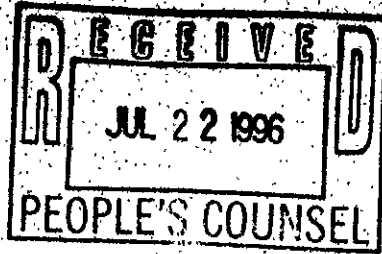
Kathleen C. Bianco, Legal Administrator
Board of Appeals of Baltimore County
July 29, 1996
Page Two

CSD/caf
Enclosures

cc: (Without enclosures)

Frederic M. Brandes, Esq.,
Attorney for Petitioners

Wendy A. Zerwitz, Esq.,
Attorney for Protestants



Peter Max Zimmerman, Esquire
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

COURT OF APPEALS OF MARYLAND

OFFICIAL NOTICE

No. 130 , September Term, 1995
SYCAMORE REALTY CO., INC. v. PEOPLE'S COUNSEL OF
BALTIMORE COUNTY, RELAY IMPROVEMENT ASSOCIATION,
LOUISA VANDERBEEK, HERBERT PLITT AND JOHN HEINRICHS
has been set for argument on Tuesday, Sept. 10, 1996.

You should report in the Clerk's Office by 9:30 A.M. on that date.

ALEXANDER L. CUMMINGS, Clerk



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 15, 1996

Alexander L. Cummings, Esquire
Clerk, Court of Appeals of Maryland
361 Rowe Boulevard
Annapolis, MD 21401

Re: Sycamore Realty, Inc. v. People's
Counsel for Baltimore County, et al.
No. 130, September Term 1995

Dear Mr. Cummings:

We are in receipt of the Court's notice setting the weeks of September 5-6, and 9-10, 1996 for oral argument in the above case.

We have spoken with Appellant's counsel, Mr. Wood, who advises he has requested that oral argument be set for September 10, since he is scheduled to start a trial on September 5. We also have previously scheduled zoning hearings on September 5, 1996, and September 10, 1996, and would therefore respectfully request that argument not be scheduled on either of those dates, if possible.

We also have spoken with Mr. Holzer, and he has no objection to our request. Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosure (Time estimate card)

(DIARIED FOR 7/31 - OK ON STATUS)

Alexander L. Cummings, Esquire
Clerk, Court of Appeals of Maryland
July 15, 1996
Page Two

cc: Edward C. Covahey, Jr., Esquire and
Thomas M. Wood, IV, Esquire
Attorneys for Appellant

J. Carroll Holzer, Esquire
Attorney for Co-Appellees Relay Improvement Assn.,
Louisa Vanderbeek, Herbert Plitt, and John Heinrichs

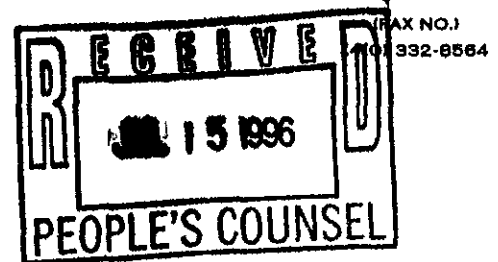
cd
pm

LAW OFFICES
NEUBERGER, QUINN, GIELEN, RUBIN & GIBBER, P.A.

27TH FLOOR
COMMERCE PLACE
ONE SOUTH STREET
BALTIMORE, MARYLAND 21202-3201
(410) 332-8550

THOMAS M. WOOD, IV
(410) 332-8523

July 12, 1996



Alexander L. Cummings
Clerk of the Court of Appeals of Maryland
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, Maryland 21401-1699

Re: Sycamore Realty Co., Inc. v. People's Counsel of
Baltimore County, Relay Improvement Association,
Louisa Vanderbeek, Herbert Plitt and John
Heinrichs
September Term, 1995 / No. 130

Dear Mr. Cummings:

I am in receipt of your letter of July 10, 1996, scheduling argument in the above-referenced matter for September 5, 6, 9 or 10.

Please be advised that I am scheduled to begin a trial, in the Circuit Court for Baltimore County, captioned Antwerpen Motor Cars, Ltd. V. Ambler Thompson, Civil No. 93 CV 0678 57/390, on September 3, 1996, which is expected to last one week. Accordingly, I would appreciate it if you would schedule the argument for Tuesday, September 10, 1996.

Thank you for your anticipated assistance in this matter. Of course, if you have any questions, please do not hesitate to call.

Very truly yours,

Thomas M. Wood, IV

TMW:lmd

cc: J. Carroll Holzer, Esquire
Peter Max Zimmerman, Esquire
Edward C. Covahey, Jr., Esquire



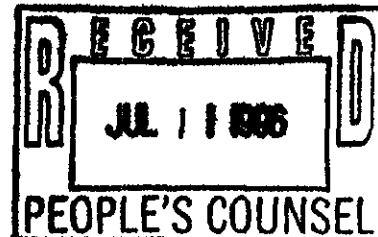
Court of Appeals
of Maryland
Courts of Appeal Building
Annapolis, Md. 21401-1699

ALEXANDER L. CUMMINGS
CLERK

974-3341
WASHINGTON AREA 261-2999

ROBERT C. FRANKE
CHIEF DEPUTY

BESSIE M. DECKER
FRAN M. WOOTTON
JACQUELINE L. HUGHES
JOANNE T. DREWRY
DEPUTIES



July 10, 1996

Thomas M. Wood, Esquire
27th Floor, Commerce Place
One South Street
Baltimore, MD 21202

Peter Max Zimmerman, Esq.
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Edward C. Covahey, Jr., Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

J. Carroll Holzer, Esq.
Holzer & Lee
305 Washington Avenue, Ste. 502
Towson, MD 21204

Re: SYCAMORE REALTY CO., INC. v. PEOPLE'S COUNSEL OF
BALTIMORE COUNTY, RELAY IMPROVEMENT ASSOCIATION,
LOUISA VANDERBEEK, HERBERT PLITT AND JOHN HEINRICHS
No. 130, September Term, 1995

Dear Counsel:

The above-entitled case will be set for argument on
September 5, 6, 9, or 10, 1996.

CONFLICTS 9/5 + 9/10 - CBA HRGS.

Please complete the enclosed card and return immediately.
Counsel to argue this case will be notified of the exact date of
argument.

SEND LTR TO CT. APP.

A schedule of the cases will appear in the Maryland Register
and The Daily Record.

Any reasonable accommodation for persons with disabilities
should be requested by contacting the Court prior to argument.

Very truly yours,

Alexander L. Cummings
Clerk

ALC/jtd
Enclosure



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 5, 1996

AMENDED NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE AND PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 95-317-A

FREDERICK J. RADTKE, ET UX
N/s Northview Road, 800' E of c/l Faircress
Road (8240 Northview Road)
12th Election District
7th Councilmanic District

VAR -Side yard setback of 0' in lieu of reqd 2-1/2' for existing garage and hght of 22.9' in lieu of reqd 15'; front yd setback of 16' in lieu of reqd 25' for existing garage.

6/20/95 -Z.C.'s Order in which Petition for Variances DENIED as to side yd setback and hght variances; GRANTED as to front yd setback of 19'(building to be remodeled).

which is scheduled for hearing on September 10, 1996 has been rescheduled to the afternoon docket of 9/10/96; hearing to begin at 1 pm at the request of People's Counsel, and without objection; and has been

REASSIGNED TO: TUESDAY, SEPTEMBER 10, 1996 at 1:00 pm *TIME CHANGE ONLY

cc: Frederic M. Brandes, Esquire Counsel for Petitioners /Appellants
Mr. and Mrs. Frederick J. Radtke Petitioners /Appellants
Paul Lee Engineering, Inc.
Wendy A. Zerwitz, Esquire Counsel for Protestants
Mr. and Mrs. Howard Crawford
Mr. James H. Gilman
Mr. and Mrs. William L. Linthicum
Mr. and Mrs. Frank Michny
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
James H. Thompson /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Legal Administrator



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 6, 1995

Norman R. Stone, Jr., Esquire
6905 Dunmanway
Dundalk, Maryland 21222

RE: Item No.: 312
Case No.: 95-317-A
Petitioner: Frederick J. Radtke
Sherian Radtke

Dear Mr. Stone:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 10, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 21, 1995

SUBJECT: 8240 Northview Road

INFORMATION:

Item Number: 312
Petitioner: Radtke Property
Property Size: _____
Zoning: D.R.-5.5
Requested Action: Variance
Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Variance from certain setback requirements of the Baltimore County Zoning Regulations.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kern

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: March 27, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 27, 1995
Items 305, 306, 308, 310, 311, 312 and 313

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 20, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 304, 305, 306, 307,
308, 310, 311, 312 AND 313. ?

RECEIVED

MAR 24 1995

ZADM

REVIEWER: LT. ROBERT F. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-22-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: \$ 312 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 3/20/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 3/20/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 305

306

308

311

312 ✓

LS:sp

LETTY2/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE	*	BEFORE THE
8240 Northview Road, N/S Northview Road,	*	ZONING COMMISSIONER
800' E of c/l Faircress Road, 12th	*	OF BALTIMORE COUNTY
Election District, 7th Councilmanic	*	CASE NO. 95-317-A
Frederick J. and Sherian M. Radtke, Jr.	*	
Petitioner	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Norman R. Stone, Jr., Esquire, 6905 Dunmanway, Baltimore, MD 21222, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Zoning Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards
Zoning Coordinator

March 14, 1995

FROM: James H. Thompson -LJW
Zoning Enforcement Coordinator

RE: Item No. 312

CITATION CASE # CV-95-83
LOCATION OF VIOLATION 8240 NORTHVIEW ROAD
DEFENDANT FREDERICK M. RADTKE
ADDRESS 704 ELMWOOD AVENUE
BALTIMORE, MD. 21206

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

✓ JAMES H. GILLMAN
8248 NORTHVIEW ROAD 21222

284-1170 - called

✓ FRANK J. MICHNY
8244 NORTHVIEW ROAD 21222

282-2134 - called

✓ HOWARD CRAWFORD
8242 NORTHVIEW ROAD 21222

282-4770 - called

BRUCE SCOGGINS
8246 NORTHVIEW ROAD 21222

285-1132 - called

TIM DI GENNARO
8211 NORTHVIEW ROAD 21222

282-5173 - called
477-5748 W

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 28, 1995

Mr. and Mrs. Howard Crawford
248 Northview Road
Baltimore, Maryland 21222

Mr. and Mrs. William L. Linthicum
8234 Northview Road
Baltimore, Maryland 21222

Mr. and Mrs. Frank Michny
8244 Northview Road
Baltimore, Maryland 21222

Mr. James H. Gillman
248 Northview Road
Baltimore, Maryland 21222

RE: Petition for Zoning Variances
N/S Northview Road, 800' E of c/l
Faircress Road
(8240 Northview Road)
12th Election District
7th Councilmanic District
Frederick J. Radtke et ux - Petitioners
Case No. 95-317-A (Item No. 312)

Dear Mr. and Mrs. Crawford, Mr. and Mrs. Linthicum,
Mr. and Mrs. Michny, and Mr. Gillman:

Please be advised that an appeal of the above-referenced case was filed in this office on June 20, 1995 by Frederic M. Brandes, Esquire, on behalf of Frederic H. and Sherian M. Radtke, Petitioners. All materials relative to the case will be forwarded to the County Board of Appeals (Board).

If you have any questions concerning this matter, please contact the Board at 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a circular stamp. The stamp contains the text "ARNOLD JABLON" and "Director" below it.

ARNOLD JABLON
Director

AJ:bb

cc: Paul Lee Engineering, Inc.



APPEAL

Petition for Variances
N/S Northview Road, 800' E of c/l
Faircress Road (8240 Northview Road)
12th Election District - 7th Councilmanic District
Frederick J. Radtke, et ux - Petitioners
Case No. 95-317-A (Item No. 312)

Petition for Variances

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioners Sign-In Sheet

Protestants Sign-In Sheet

Petitioner's Exhibits: 1 - Plat to Accompany Petition
2 - Building Permit No. B199746

Protestant's Exhibits: 1 and 2 - Photographs
3 - Protest Petition
4 - Letter from Councilman Louis L. DePazzo,
dated May 23, 1995

Correspondence from James H. Thompson to Carl W. Richards dated March 14, 1995

Zoning Commissioner's Order dated June 20, 1995 (Denied in part; Granted in part, with restrictions)

Notice of Appeal received on July 5, 1995 from Frederic M. Brandes on behalf of Petitioners

cc: Mr. James H. Gilman, 248 Northview Rd., Baltimore, MD 21222
Mr. and Mrs. William L. Linthicum, 8234 Northview Rd., Balto., MD 21222
Mr. and Mrs. Frank Michny, 8244 Northview Rd., Balto., MD 21222
Mr. and Mrs. Howard Crawford, 8234 Northview Rd., Balto., MD 21222
Paul Lee Engineering, Inc., 304 Pennsylvania Ave., Towson, MD 21204
People's Counsel of Baltimore County, M.S. 2010

Requests Notification: Pat Keller, Director, Office of Planning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director, PDM
James T. Thompson, Code Enforcement Division, PDM

12/12/95 -Notice of Assignment for hearing scheduled for Tuesday,
February 6, 1995 at 10:00 a.m. sent to following:

Frederic M. Brandes, Esquire
Mr. and Mrs. Frederick J. Radtke
Paul Lee Engineering, Inc.
Mr. James H. Gilman
Mr. and Mrs. William L. Linthicum
Mr. and Mrs. Frank Michny
Mr. and Mrs. Howard Crawford
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
James H. Thompson /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

2/06/96 -T/C from Frederic Brandes - indicating that he was very ill;
cannot make hearing today. Requesting continuance of matter. 561-
0290

- Advised C. Marks, Chairman for 2/06 hearing, of situation. Also
telephoned Mr. Brandes and advised him that we were attempting to
reach People's Counsel; would open this matter on the record and
entertain his request for postponement due to illness. In all
likelihood, request would be granted; however, we would advise him
after today's proceedings were concluded.

2/06/96 -Hearing convened by Board; Present this date were Appellants
/Petitioners; Deputy People's Counsel C. Demilio; and protestants
as shown on People's Counsel Exhibit 1. Upon consideration of
circumstances relative to Mr. Brandes' illness and inability to
appear to represent his clients, the Board granted the postponement
and reassigned the matter to the date of July 2, 1996, notice to be
sent.

- Notice of PP and Reassignment sent to parties; to be heard on
Tuesday, July 2, 1996 at 10:00 a.m. Advised Mr. Brandes by
telephone of status; also requested a letter from him to confirm
the circumstances which led to this postponement.

3/06/96 -Letter from Wendy A. Zerwitz, Esquire -Counsel for Protestants
(copy to Demilio, Brandes, and M/M Crawford); requesting PP to
September date due to unavailability of numerous members /prior
vacation plans. C. Demilio had previously indicated no objection
to this request; Ms. Zerwitz also indicates no objection from
Counsel for Petitioners. Postponement to be granted.

3/07/96 -Second Notice of PP and Reassignment sent to parties; matter to
be rescheduled to Tuesday, September 10, 1996 at 10:00 a.m.

7/29/96 -Letter from Office of People's Counsel requesting change to
afternoon docket with 1:00 pm start time due to schedule conflict
with Court of Appeals; have contacted F. Brandes and W. Zerwitz; no
objection to this change.

8/05/96 -Amended Notice of Assignment sent to parties; amended only as to start time of hearing. Hearing reset to afternoon docket of 9/10/96; to begin at 1:00 p.m.

9/10/96 -Hearing before Board; publicly deliberated at conclusion of same. Unanimous decision of Board: Petition for Variances to be DENIED. Written Opinion and Order to be issued; appellate period to run from date of that written Order. K.C.B.

95-317-A

March 10, 1995 Petition for Variance filed by Norman R. Stone, Jr., on behalf of Frederick J. Radtke, Jr. and Sherian M. Radtke, for a side yard setback of 0' in lieu of 2.5' for existing garage; height of 22.9' in lieu of 15' on garage front; and 16' in lieu of 25'.

April 13 Hearing held on Petition by the Zoning Commissioner.

June 21 Order of the Zoning Commissioner in which Petition for Variance was DENIED in part; and GRANTED in part with restrictions.

July 12 Notice of Appeal filed by Frederic M. Brandes, Esquire, on behalf of Frederick J. Radtke, Jr., et ux.

Sep. 10, 1996 Hearing before the Board of Appeals. Deliberation conducted by the Board at the conclusion of the hearing.

October 4 Opinion and Order of the Board in which the Petition for Variance was DENIED; Garage shall be removed within 120 days of the date of this order.

November 4 Petition for Judicial Review filed in the Circuit Court for Baltimore County by Frederic M. Brandes, Esquire, on behalf of Frederick J. Radtke, et ux.

January 8 Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County. (CBA obtained copy of Petition after receiving telephone inquiry as to CCT appeal).

January 9 Certificate of Notice sent to interested parties.

March 7, 1997 Transcript of testimony filed; Record of Proceedings filed in the Circuit Court.

July 22, 1997 ✓ Order issued by the CCT; decision of the CBA is AFFIRMED. (Lawrence R. Daniels, J.)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Frederick J. Radtke, et ux -Petitioners
Case No. 95-317-A

DATE : September 10, 1996 /@ conclusion of hearing

BOARD /PANEL : Kristine K. Howanski (KKH)
Harry E. Buchheister, Jr. (HEB)
Charles L. Marks (CLM)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Represented at this deliberation was the Office of People's Counsel for Baltimore County and Petitioner.

KKH: We are here to deliberate Case No. 95-317-A, Frederick J. Radtke, et ux, pursuant to a request for variance; side yard setback of 0' in lieu of 2.5' for existing garage; height of 22.9' (and there was testimony that it was plus or minus) in lieu of 15' on garage front; and 16' in lieu of 25'.

As stated earlier, the Zoning Commissioner did deny the side yard and height variances by Order dated June 20, 1995, but did grant the front yard setback of 19'. My practice has been to defer to my colleagues first. I'll still take judicial notice of my previous comments, as well as Larry Stahl's, regarding public deliberation process, and proceed.

CLM: For the purpose of everyone here, this is really a de novo hearing -- it's a hearing as if the prior hearing never existed. There were witnesses called and evidence produced. I think it's well to consider the purpose of zoning -- designed to promote health, safety and general welfare of the citizens of Baltimore County. Zoning maps and regulations designed to reduce confusion in roads, streets and alleys; from fire; proper air flow; adequate facilities. And to that end, County Council adopted zoning maps and regulations made in accordance with comprehensive plan.

When someone comes before this Board and asks for a variance, is asking for exception to the zoning regulations. Because we live in an imperfect world, it's sometimes necessary to grant same after listening to testimony and evidence.

The County Council has defined what a variance is - section 307 of the zoning regulations states: special circumstances or situation must exist peculiar to the land or structure where strict compliance results in practical difficulty or unreasonable hardship.

The basic question for the Board to address after the testimony and evidence is whether or not the subject property is so unique that the ordinances of the County Council and their impact would be so disproportionate when compared to others; whether the evidence determines that the subject site in any way is peculiar, unusual or unique when compared to other properties in the area so that the zoning ordinances impact on the property would be different than restrictions imposed upon neighboring properties.

Standard used to be "no hurt; no harm" -- but because of zoning regulations and guidance given to the Board by the higher courts in the State, we have certain conditions that the Board is mandated to follow when granting a variance. When an order is passed by the Board, the formal Opinion and Order, it is written and stated why it is granted.

Cromwell v. Ward has been quoted to us by People's Counsel. Also we have N. v. St. Mary's County regarding variance granting. In a zoning context, unique aspect does not refer to improvement of property or neighboring properties. Uniqueness for zoning requires that the subject property have a characteristic not shared by other properties in the area; shape, topography; historical factors, etc. Cromwell was recited by People's Counsel; also states the same principle. The first test that this Board must adopt in its review of a variance is whether or not the property in question is either unique or different or peculiar. Once having found that to be the case, we move to practical difficulty part of the problem. If we find that the property is not unique or peculiar, we do not address the second issue.

I have reviewed my notes carefully, and find that it's not unique; it's not different; it's not unusual; it's not peculiar. It's been said that the mere fact that it's waterfront property may make it unique; but I have never found that to be the case. Each property is unique or different. This is a waterfront property. Based on what I have heard and the evidence, I find none of the standards imposed upon this Board by higher courts in the State to allow us to grant variances requested.

I would deny each and every variance requested.

HEB: This is a really difficult case for me. I think of the Dundalk area and a lot of areas in Baltimore County where sheds, structures, auxiliary buildings are in the front yard. Today you cannot do that. Years ago, it was a common thing; some kind of storage facility had a convenient location to waterfront and pier. Questions arose: what is the front yard?

- what is the back yard?

When I first came on this Board, what we now call waterfront and front yard was the back yard. That's been clarified. Waterfront is what we enjoy as the front of the house, regardless of where the main entrance is.

I think that Mr. Brandes has pointed out -- Baltimore County officials confirmed the height that was possible for this structure if Mr. Radtke intended to correct, reconstruct. There was a mark on the tree, which is kind of unusual. But I really don't think height is the issue. The fact that there was a footprint actually a structure there and -- it was beyond any kind of use. But it was there and could be improved upon because of the fact that it goes back to the '50s or 60s. I think more was done to the structure than what really this Board can justify. As has been pointed out, layers of block were added; redesign of structure -- from what I visualize as "A" frame on block foundation to structure with second floor level with various uses. For all purposes, from exhibits from protestants -- show really new building. There is nothing unique about the site; they are all alike. As Mr. Marks pointed out, we have a commitment to live by the laws as they exist and particularly Cromwell v. Ward. I don't think that this two-story structure was really necessary. Really were not any undue hardships that confronted Petitioner if he did not do it this way.

I concur with Mr. Marks that it should be denied. Do take note that there is something about the possibility of the building be redesigned or modified -- but certainly these variances are not justified.

KKH: I am going to concur, and I guess we are all saying this similarly. I think it's important to see what is being sought -- we are not here, and I gather the impression the County was under fuels the impression that there was going to be repair or additional structure. That is not what took place; we are not here to say whether or not you can restore the garage to such structure, but rather -- can you have variance to build a new garage. Must look at it differently. Whether or not the roof is the same, etc. is not relevant. We are here on a variance for a new structure.

In variance cases, and I think Mr. Marks and Mr. Buchheister have spoken eloquently, I share the perception that Cromwell v. Ward makes it clear there is no further inquiry after peculiar or unique; Petitioners put on no testimony as to unique. Protestants did in fact put on sufficient testimony that the lot is not unique by Cromwell.

Deliberation /Frederick J. Radtke, et ux /95-317-A

Fifty feet apart; while depth or length of lots vary pursuant to shore line, does not bear on consideration at hand. Nobody testified that it was that different -- shore line that required height -- ends at failure to show uniqueness.


I would however go further to say that had uniqueness been satisfied, Petitioner did not demonstrate either practical difficulty or unreasonable hardship -- the second prong of Cromwell v. Ward. It's a self-imposed hardship, if any. Must show that nothing can be constructed and the land has no use if variance were not permitted. Built entirely different structure. I understand Mr. Lee's testimony -- it's much easier to build a second story. Not something we are permitted to look at. In any event, I agree that the variances should be denied.

Permission to build structure as it was described today -- we would have no ability -- not decision from which appeal lies. We will prepare a written decision as soon as possible. Thirty days from that date to file an appeal to the Circuit Court.

Thank you.

* * * * *

Respectfully submitted,


Kathleen C. Bianco
Legal Administrator

Code Enforcement: 887-3351
Building Inspection: 887-3953

Plumbing Inspection: 887-3620
Electrical Inspection: 887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.
104868

Name(s) Frederick + Sherran Rattke
Address 20000 York Rd Parkton Md 21202
Location of Violation (if different than address) 8240 Northview Rd 21222
Election District _____ Permit No. _____ Case No. C97 2756
Vehicle License No.: _____ Vehicle ID: _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code:

§§ 22-81 22-82
§§ _____
§§ _____

Building Code (BOCA):

§§ _____
§§ _____
§§ _____

Investment Property Act (§7-66):

§§ 7-70(A)(1) and (3)
§§ 7-70(A)(1) and (4) } See correction

Plumbing Code (NSPC):

§§ _____
§§ _____

Zoning Regulations:

§§ _____
§§ _____
§§ _____

Livability Code (§18-66):

§§ _____
§§ _____
§§ _____

Electrical Code (NEC):

§§ Notice dated 1/9/97
§§ _____

Dwelling (CABO):

§§ Attached 1/9/97
§§ _____

Other: §§ _____

COMMENTS OR OTHER VIOLATIONS:

Cut & Maintain High grass
AND weeds to a height of 3 inches
or less (Rear)

Remove unused junk debris construction materials and debris

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
10/21/97 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: 10/15/97 INSPECTOR: W. B. Lewis

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: _____

DATE ISSUED: _____ INSPECTOR: _____

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE.
PLEASE READ CAREFULLY.

AGENCY

P/U 10/28/97

BALTIMORE COUNTY, MARYLAND
CITATION FOR CIVIL CODE ENFORCEMENT VIOLATION
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-3352

NAME OF PERSON(S) CHARGED: FREDERICK J. RADTKE, JR. AND SHERIAN RADTKE, TENANTS BY ENTIRETIES

CURRENT ADDRESS IN FULL: 20000 YORK ROAD, BALTIMORE, MARYLAND 21128-0231

OWNER (X) OR OCCUPANT () RELATED CITATIONS:

*20025 Bollinger Road
Millers 21107*

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE THE PROVISIONS OF THE BALTIMORE COUNTY CODE OR CODE OF BALTIMORE COUNTY REGULATIONS AS FOLLOWS:

SECTION NUMBER(S) VIOLATED: INVESTMENT PROPERTY ACT, SECTION 7-70(a)(1)(a); SECTION 7-70(a)(1)(b); SECTION 7-70(a)(1)(c); SECTION 7-70(a)(1)(f); SECTION 7-70(a)(1)(g); SECTION 7-70(a)(4)

NATURE OF VIOLATION: USE OF PROPERTY ZONED N/A TO COMMIT THE FOLLOWING:

1. FAILURE TO SECURE PROPERTY FROM PUBLIC ACCESS CREATING A HAZARDOUS AND UNSAFE CONDITION.
2. FAILURE TO REMOVE STANDING WATER FROM BASEMENT.
3. FAILURE TO MAINTAIN ROOFS AND HORIZONTAL MEMBERS.
4. FAILURE TO MAINTAIN EFFECTIVE WATERPROOFING OF EXTERIOR WALLS, ROOFS AND FOUNDATIONS.
5. FAILURE TO PAINT AND/OR COVER ALL EXPOSED WOOD SURFACES THAT EXHIBIT MISSING OR FLAKING AND WORN PAINT.
6. FAILURE TO SECURE ALL OPENINGS WITH BOARDING MATERIALS CUT TO FIT OPENINGS AND PAINTED TO MATCH THE PREDOMINANT EXTERIOR COLOR OF STRUCTURE.

LOCATION AND DATE(S) OF VIOLATION: 8240 NORTHVIEW ROAD, BALTIMORE, MARYLAND 21222

JANUARY 7, 1997, FEBRUARY 10, 1997 AND FEBRUARY 20, 1997, October 15, 1997

TO RESPOND TO THE ABOVE CHARGE(S) LODGED AGAINST YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:

1) PURSUANT TO SECTION 18-88, BALTIMORE COUNTY CODE, A PENALTY OF ~~\$3800~~ ^{\$56,400} HAS BEEN ASSESSED AS A RESULT OF THE VIOLATIONS CITED HEREIN. YOU MUST PAY THIS PENALTY BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS CITATION ALONG WITH THE PAYMENT TO: DIRECTOR, PERMITS AND DEVELOPMENT MANAGEMENT, 111 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204.

2) IF YOU SHOULD CONTEST THIS CITATION OR PROPOSED ASSESSMENT OF PENALTY, YOU MUST FILE A WRITTEN REQUEST FOR A QUASI-JUDICIAL HEARING BEFORE THE CODE OFFICIAL OR DESIGNEE WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS CITATION. HOWEVER, A HEARING ON YOUR CITATION HAS BEEN SCHEDULED FOR APRIL 29, 1997 AT 9:00 A.M. IN ROOM 108. *December 10,*

3) THE HEARING WILL BE CANCELED IF YOU SHOULD ELECT TO PAY THE ASSESSED PENALTY OR IF YOU SHOULD FAIL TO REQUEST A HEARING IN WRITING WITHIN THE TIME REQUIRED. FAILURE TO CONTEST THE CITATION OR PROPOSED ASSESSMENT OF PENALTY, IF ANY, BY EITHER NOT PAYING THE PENALTY OR BY NOT REQUESTING A QUASI-JUDICIAL HEARING, SHALL RESULT IN THE CITATION AND ITS PENALTY BECOMING A FINAL ORDER OF THE CODE OFFICIAL.

4) FAILURE TO PAY THE ASSESSED PENALTY SHALL CONSTITUTE A LIEN ON THE PROPERTY OWNED BY THE PERSON FOUND TO BE IN VIOLATION AND SHALL BE COLLECTIBLE IN THE SAME MANNER AND TO THE SAME EXTENT AS TAXES.

I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

March 14, 1997
DATE

Leonard Wasilewski
OFFICE OF CODE ENFORCEMENT REPRESENTATIVE

BASED ON THE STATEMENT OF LEONARD WASILEWSKI, THIS CITATION IS HEREBY ISSUED THIS 14TH DAY OF MARCH, 1997.

CITATION MUST BE SERVED BY MARCH 28, 1997.

21st October

November 5,

DETACH AND SEND IN THE INFORMATION BELOW TO: DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT
111 WEST CHESAPEAKE AVENUE, ROOM 111
TOWSON, MARYLAND 21204

CITATION NO. 97-2856

NOTICE OF INTENTION TO STAND TRIAL

I HEREBY ELECT TO STAND TRIAL BEFORE THE CODE OFFICIAL OR DESIGNEE FOR THE VIOLATION(S) CHARGED ON THE ABOVE CITATION.

DATE _____ SIGNATURE _____

ADDRESS _____

10-28-94
11-2-94
11-3-94
11-7-94

BALTIMORE COUNTY, MARYLAND
CITATION FOR CIVIL ZONING VIOLATION
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CIT. NO. 95-83

DC

NAME OF PERSON(S) CHARGED: FREDERICK J. RADTKE, JR. AND SHERIAN RADTKE, TENANTS BY ENTIRETIES

CURRENT ADDRESS IN FULL: RD 704 KIMWOOD AVENUE BALTIMORE, MARYLAND 21206

OWNER (X) OR OCCUPANT () RELATED CITATIONS :

(4th L off Kenwood Ave)

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE THE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS AND/OR THE BALTIMORE COUNTY CODE AS FOLLOWS:

SECTION NUMBER(S) VIOLATED: 101 "UNLICENSED MOTOR VEHICLE", "INOPERATIVE MOTOR VEHICLE", "RECREATIONAL VEHICLE", "JUNK YARD", "ACCESSORY STRUCTURE"; 102.1; 1B01.1A; 400.3 AND 428

NATURE OF VIOLATION: USE OF PROPERTY ZONED D.R.5.5 TO COMMIT THE FOLLOWING:

1. STORAGE OF AN UNLICENSED MOTOR VEHICLE
2. STORAGE OF AN INOPERATIVE MOTOR VEHICLE
3. IMPROPER STORAGE OF A RECREATION VEHICLE (UNLICENSED)
4. CONSTRUCTION OF AN ACCESSORY STRUCTURE OVER 15' IN HEIGHT WITHOUT A VARIANCE

LOCATION AND DATE(S) OF VIOLATION: 8240 NORTHVIEW ROAD BALTIMORE, MARYLAND 21222
AUGUST 24, 1994, AUGUST 30, 1994, SEPTEMBER 22, 1994 AND
SEPTEMBER 26, 1994

TO RESPOND TO THE ABOVE CHARGE(S) LODGED AGAINST YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:

1) YOU MAY PAY A FINE OF \$3200 (\$800 FOR EACH ADDITIONAL DAY) BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS FORM ALONG WITH PAYMENT TO: DIRECTOR OF FINANCE, 1ST FLOOR, COURT HOUSE, TOWSON, MD 21204. THE PENALTY MUST BE PAID ON OR BEFORE THE 15TH DAY OF OCTOBER, 1994.

2) YOU MAY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND. TO DO THIS, YOU MUST NOTIFY THE BALTIMORE COUNTY OFFICE OF ZONING ADMINISTRATION BY FILLING IN THE ATTACHED PORTION OF THIS CITATION AND RETURNING IT TO THE ZONING ADMINISTRATION OFFICE AT LEAST FIVE (5) DAYS BEFORE THE PAYMENT DUE DATE AS SET FORTH IN THE FINE PAYMENT SECTION ABOVE. THE DISTRICT COURT WILL NOTIFY YOU OF THE DATE AND TIME OF TRIAL.

IF THE FINE REMAINS UNPAID AT THE EXPIRATION OF THE THIRTY-FIVE (35) DAYS FROM THE DATE OF THE CITATION, THE ZONING ADMINISTRATOR MAY REQUEST ADJUDICATION OF THE CASE IN DISTRICT COURT, AT WHICH TIME THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT TO EXCEED TWICE THE ORIGINAL FINE. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE

BASED ON THE STATEMENT OF LEONARD WASILEWSKI, THIS CITATION IS HEREBY ISSUED THIS 28TH DAY OF SEPTEMBER, 1994.

OFFICE OF ZONING ADMINISTRATION REPRESENTATIVE

DIRECTOR OF ZONING ADMINISTRATION

ACKNOWLEDGEMENT

SHERIFF OF BALTIMORE COUNTY

DATE

SIGNATURE

RECEIVED



0107970

Served on to Sherian Radtke
on 10-28-94
not served AS to Frederick J. Radtke
11-14-94 (EVALING SERVICE)

Fact 36

#1057

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A PROFESSIONAL CORPORATION

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FREDERICK H. DURST (MD,D.C.)

COUNSEL
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JOHN A. ANNEN (TN)
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JOAN L. ROMETT (MD)

UNION PARK CENTER
5905 HARFORD ROAD
BALTIMORE, MD 21214-1846
410-426-3200
1-800-492-3240 (TOLL FREE)
FAX 410-426-1269
300 EAST LOMBARD STREET
18TH FLOOR
BALTIMORE, MARYLAND 21202
410-659-0100
FAX 410-659-1780, 81, 82
COURT TOWERS, SUITE 515
210 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-825-7300
FAX 410-296-2541
STEELWORKERS' HALL
540 DUNDALK AVENUE
BALTIMORE, MD 21224-2997
410-633-9100
FAX 410-633-0480
CENTERPARK II
SUITE 316
4061 POWDER MILL ROAD
BELTSVILLE, MD 20705-3149
1-800-537-8261
FAX 301-937-5738
63 HENDERSON AVENUE
CUMBERLAND, MD 21502-2452
301-759-2700
FAX 301-759-2703
201 S. CLEVELAND AVENUE
HAGERSTOWN, MD 21740-5745
301-739-4000
FAX 301-739-3848
PHILADELPHIA, PENNSYLVANIA
HARRISBURG, PENNSYLVANIA
WILMINGTON, DELAWARE
KNOXVILLE, TENNESSEE

Harford Road

REPLY TO: _____

July 5, 1995

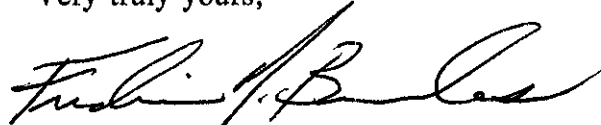
Appeals Clerk
Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 95-317-A
Petition for Zoning Variance
8240 Northview Road
Frederick J. Radtke, Jr. ex ux,
Petitioners

Dear Madam Clerk:

Please note an appeal in this case from the Findings of Fact and Conclusions of Law and Order of Lawrence E. Schmidt, Zoning Commissioner, issued June 20, 1995 to the County Board of Appeals.

Very truly yours,


Frederic M. Brandes

FMB/det

RECEIVED
JUL 12 1995
ZADM

1476-95
16/95

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A PROFESSIONAL CORPORATION

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210 W. PENNSYLVANIA AVENUE
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1-800-537-8261
FAX 301-937-5738

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CUMBERLAND, MD 21502-2452
301-789-2700
FAX 301-789-2703

201 S. CLEVELAND AVENUE
HAGERSTOWN, MD 21740-8748
301-739-4000
FAX 301-739-3848

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WILMINGTON, DELAWARE
KNOXVILLE, TENNESSEE

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GARY M. MINTZ (PA,NJ)
JARED QUINN WINDHAM (TN,FL)
DAVID OVERSTREET (TN)
JOHN A. ANNEN (TN)
KEITH E. HAYNES (MD)
VASILIKI P. SZCZESNY (MD)
MICHAEL B. GILLAND (MD)
ELIZABETH H. MOYSE (D.C.,MD)
JOAN L. ROMETT (MD)

REPLY TO: 6905 Dunmanway
Dundalk, Maryland 21222
(410) 284-2860 or 288-5270

April 5, 1995

Baltimore County Office of Zoning
Administration and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 95-317-A (Item 312)
8240 Northview Road
Owners: Radtke: Frederick J., Jr. and
Sheridan M.
Petition for Variance
Hearing Date: April 13, 1995
Hearing Time: 9:00 a.m.

Dear Sir or Madam:

Please be advised that I represent Frederick J. Radtke, Jr. and Sheridan M. Radtke in the above captioned matter, which is set for hearing on April 13, 1995 at 9:00 a.m., Room 118, Old Courthouse.

I respectfully request the above hearing be postponed in accordance with the Maryland Annotated Code, Courts Article, §6-402, until after the adjournment of the current Maryland Legislative Session.

Thanking you for your assistance in this matter, I am

Very truly yours,

Norman R. Stone, Jr.

NRS,JR:slh

cc: Peter Max Zimmerman, Esquire
Carole S. DeMilio, Esquire
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
APR 6 1995

ZADM

COUNTY BOARD OF APPEALS

Room 49, Old Courthouse
Mail Stop #1013
410-887-3180 FAX 410-887-3182

TO : Mr. Radtke

SUBJECT: 95-317-A - OCT Appeal

FROM : C. Radcliffe, Dir. of Appeals

MESSAGE: THE POST OFFICE RETURNED
the notice we sent to
your Elmwood Rd. ADDRESS.
Attached is that notice.
We hope it reaches you
at the new address
given by the Post Office

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

ST. JAMES ... 17:53

FREDERICK J RADTKE ET UX
704 ELWOOD ROAD
BALTIMORE MD 21206



notice sent
1-22-97 TO
✓

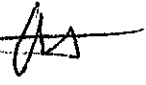
RADTKE
FORWARD TIME 212061006 1095 01/16/97
RATKE
20000 YORK RD
PARKTON MD 21120-7231
RETURN TO SENDER

21206-2110 3:14P

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: January 20, 2005

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton 
Board of Appeals

SUBJECT: **FREDERICK J RADTKE**
CBA No.: 95-317-A
PDM File No.: 95-317-A
Circuit Court Case No.: 03-C-96-11288

On this date, I received this file from the Circuit Court. Our records indicate that this file is already closed, therefore, I am forwarding the file to you.

Attachment: SUBJECT FILE ATTACHED AND EXHIBITS



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

Received on July 28, 1995
on behalf of the County
Board of Appeals, contents
of ZADM FILE NO, 95-317-A
(Item 312) FREDERICK J. RADTKE,

Carole A. Fisher

Verified
7-18-97
CJS

Case # 95 - 317 A
Petitioner Exhibits

✓ Pet. Exh #1 - Building Permit

✓ Pet. Exh #2 - Plat (2)

Pet. Exh #

Protestants Exhibits

✓ Prot. Exh #1 Photo of Radhe Shed.

✓ Prot Exh #2 Photo of Crawford Shed

✓ Prot. Exh #3 Photo of Progression from water

✓ Prot. Exh #4 - Photo of Sub. Bldg to left

✓ Prot. Exh #5 - Photo of Radhe waterfront

✓ Prot. Exh #6 - List of Protestant Names

People's Council Exhibits

✓ P.C. Exh #1 - Zoning Map

Verified
7-18-97
CST/CM

Case # 95-317

Frederick J. Radtke

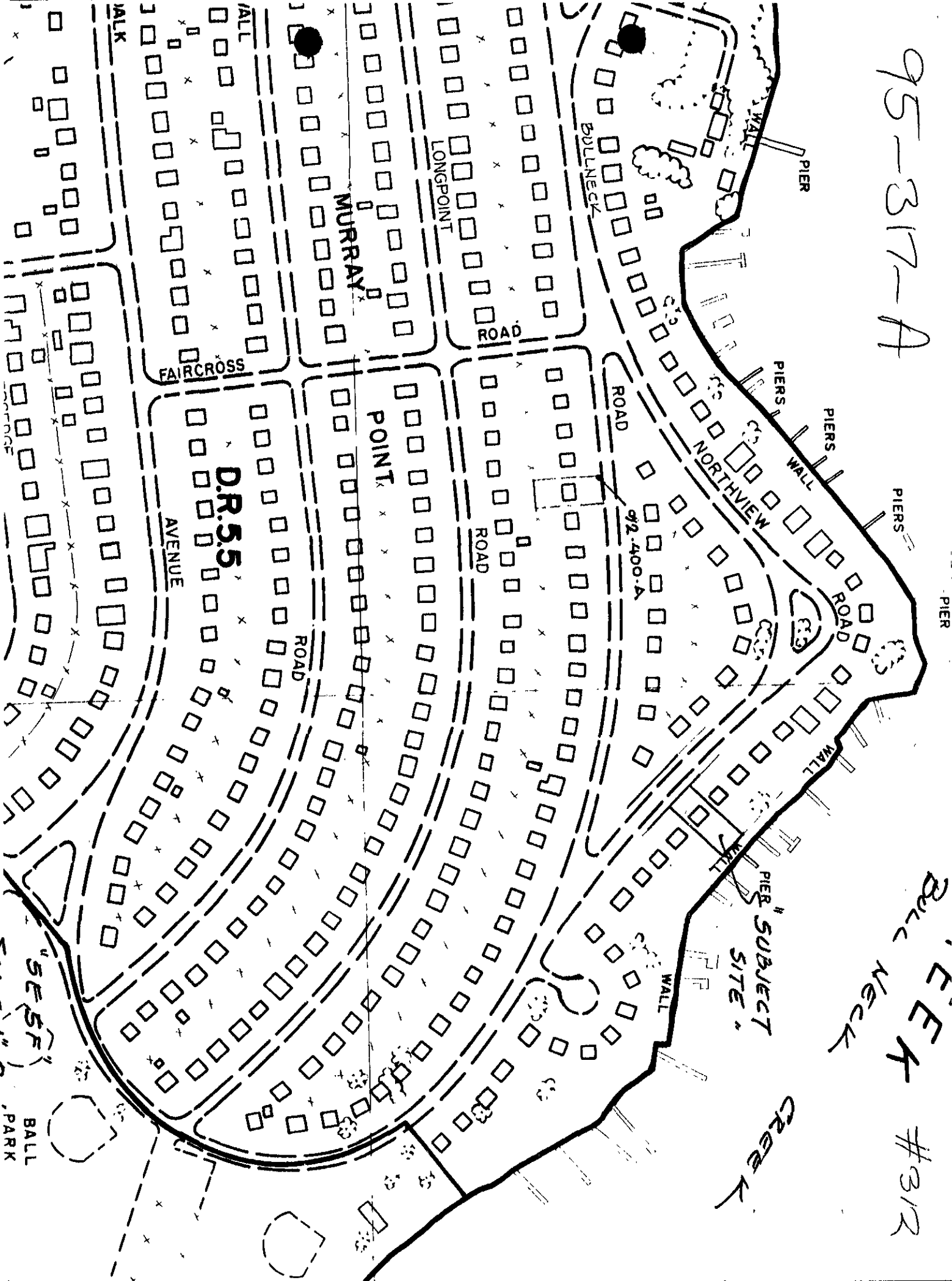
2/6/96
Can Portioned

People's Counsel Exhibits

P.C. ExL #1 - Sign-on sheet

95-317-A

EE4 #312
Bull Neck



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Paul Lee
Sheridan Rodette
Lizet de Maest
Dominic Stent
Fred Rodette

304 W. Penn Ave 21204
8240 Northview,
8240 Northview Rd
8207 Northview Rd
8240 Northview



PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Susan D. Crawford
 - Howard Crawford
 - James H. Hillman
 Clarence Crawford
 Betty Wagoner
 Dorothy M. Lintthicum
 - William W. Lintthicum
 - Helen Michny
 Frank J. Smith
 - Vivian Carpenter
 - Elmer Feltis

8242 Northview Rd.
 8242 Northview Rd.
 8248 Northview Rd.
 1503 Rita Rd.
 8123 Bullneck Rd.
 8234 Northview Rd.
 8234 NORTHVIEW RD 21222
 8244 Northview Rd 21222
 8244 Northview Rd 21222
 Exec. Off
 Caroline L. Papp Off

Visitor
 visitor

Det. SH #1



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

John R. Reing
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B199748 CONTROL #: MR DIST: 12 PREC: 08
DATE ISSUED: 05/27/94 TAX ACCOUNT #: 1212021771 CLASS: 34

PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 8240 NORTHVIEW RD
SUBDIVISION: MURRAY POINT

OWNERS INFORMATION

NAME: RADIKE, FRED & SHERIAN
ADDR: 704 ELMWOOD RD. 21204

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK:

REPLACE DAMAGED METAL ROOF WITH WOOD TRUSSES
AND SHINGLES ON EXISTING DETACHED GARAGE WITH
STORAGE AREA. PLANS WAIVED PER JMA, 438 SP.
22X29X211 SAME HEIGHT AS ORIGINAL ROOF.

BLDG. CODE: 1 AND 2 FAM. CODE

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD & GARAGE WITH STORAGE AREA & ALT.
2,000.00 EXISTING USE: SFD & GARAGE WITH STORAGE AREA

TYPE OF IMPRV: ALTERATION

USE: GARAGE

FOUNDATION:

BASEMENT:

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0050.00 X 0000.00

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: NC/NC

SIDE STR SETB:

REAR SETB: NC



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

John R. King
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B199748 CONTROL #: MR DIST: 12 PREC: 08
DATE ISSUED: 05/27/94 TAX ACCOUNT #: 1212021771 CLASS: 34

PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 8240 NORTHVIEW RD
SUBDIVISION: MURRAY POINT

OWNERS INFORMATION

NAME: RADIKE, FRED & SHERIAN
ADDR: 704 ELMWOOD RD. 21206

TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK: REPLACE DAMAGED METAL ROOF WITH WOOD TRUSSES
AND SHINGLES ON EXISTING DETACHED GARAGE WITH
STORAGE AREA. PLANS WAIVED PER JMA, 638 SF,
22X29X211 SAME HEIGHT AS ORIGINAL ROOF.

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

BLDG. CODE: 1 AND 2 FAM. CODE

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD & GARAGE WITH STORAGE AREA & ALT.
2,000.00 EXISTING USE: SFD & GARAGE WITH STORAGE AREA

TYPE OF IMPRV: ALTERATION

USE: GARAGE

FOUNDATION:

BASEMENT:

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0050.00 X 0000.00

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: NC/NC

SIDE STR SETB:

REAR SETB: NC

Per No 2

Pet No 3

We Respectfully Submit the Following Petition:

The citizens of Dundalk and Watersedge do hereby protest the renovation of an out-building at 8240 Northview Road which exceeds the original height of approximately 15 feet. The building now stands at 22 feet. The original building was a one-story garage which now appears to have been designed as an apartment on the second floor. In closing, we strenuously ask you to VETO granting a variance in the existing Baltimore County Zoning Codes.

Thank you for your consideration.

Name	Address
Susan D. Crawford	8242 Northview Rd.
Howard Crawford	8242 Northview Rd.
Regina Maxwell	8274 BULLNECK RD.
Joseph E Maxwell	8274 Bullneck Rd
Charles L Fisher	8247 Bullneck Rd
Guarita Bogowski	8243 Bullneck Rd
Marcella Genlock	8236 Cornwall Rd
Timothy J. DiGenaro	8211 Northview Rd.
Anthony J. DiGenaro	8218 Northview Rd.
James H. Hillman	8248 Northview Rd.
Barbara Bioncenti	8208 Longpoint Rd.
Star Bioncenti	8208 Longpoint Rd.
Mary Fox	8232 Longpoint Rd
Todd Smith	8202 Dundalk Ave
Dawn Scherzo	8226 Watersedge Rd

We Respectfully Submit the Following Petition:

The citizens of Dundalk and Watersedge do hereby protest the renovation of an out-building at 8240 Northview Road which exceeds the original height of approximately 15 feet. The building now stands at 22 feet. The original building was a one-story garage which now appears to have been designed as an apartment on the second floor. In closing, we strenuously ask you to VETO granting a variance in the existing Baltimore County Zoning Codes.

Thank you for your consideration.

Michael Peterson
Anthony J. Di Gennaro
Lydia Di Gennaro
Melvin E. Davis
Catherine A. Goshin
Coralee Bergenbank
Jeanne E. Rand
Bruce L. Wageman

8210 Northview Rd. 21222
8218 Northview Rd
8218 Northview Rd.
8205 Northview Rd.
8238 Northview Rd.
8203 Northview Road 21222
8217 Northview Rd 21222
8213 Northview Rd 21222

We Respectfully Submit the Following Petition:

The citizens of Dundalk and Watersedge do hereby protest the renovation of an out-building at 8240 Northview Road which exceeds the original height of approximately 15 feet. The building now stands at 22 feet. The original building was a one-story garage which now appears to have been designed as an apartment on the second floor. In closing, we strenuously ask you to VETO granting a variance in the existing Baltimore County Zoning Codes.

Thank you for your consideration.

MR. Steve Brincat 8208 Long point Rd.
Mr. R. M. Full
Mary Lee Neale 8238 N. View Rd. 21222
Edw. C. Neale 8232 Northview Rd 21222
William W. Linthicum 8234 NORTHVIEW 21222
Dorothy M. Linthicum 8234 Northview Rd. 21222
Robert C. Landers 8228 Northview Rd. 21222
Wm. S. Landers 8228 Northview Rd 21222
Betty B. Morgan 8226 Northview Rd. 21222
HARVEY + WALLIS HERZOG 745 McHEWEN AVE 21218
Mary Gange 8236 Northview Rd 21222
Jim D'Amico 8211 Northview 21222
Everett H. Holcomb 8201 Northview Rd 21222
Liam M. Holcomb 8201 Northview Rd 21222
Peter Stiskar 8212 Northview Rd 21222



Post No 4

COUNTY COUNCIL OF BALTIMORE COUNTY
COUNTY COURT HOUSE, TOWSON, MARYLAND 21204

LOUIS L. DePAZZO
COUNCILMAN, SEVENTH DISTRICT

COUNCIL OFFICE: 887-3196
DUNDALK DISTRICT OFFICE: 887-7174
NORTH POINT GOVERNMENT CENTER
7701 WISE AVENUE
DUNDALK, MARYLAND 21222

May 23, 1995

Mrs. Dawn Crawford
8242 Northview Road
Baltimore, Maryland 21222

Dear Mrs. Crawford:

This is to confirm the conversations I have had with you and your husband, Howard.

From the photos Howard presented to me, and conversations with other residents in the area, I am totally supportive of the communities desire to have the current garage reduced back to its original size. Clearly, the property is in the "buffer" zone and ought not to be allowed.

Please stay in touch as this matter proceeds to conclusion.

Very truly yours,

Lou DePazzo

Louis L. DePazzo
Councilman 7th District

LLD/db



DATE :

Print. Exh # 6

CASE:

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

[illegible]

DATE: 2-6-96

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: Radtke 95-317A

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

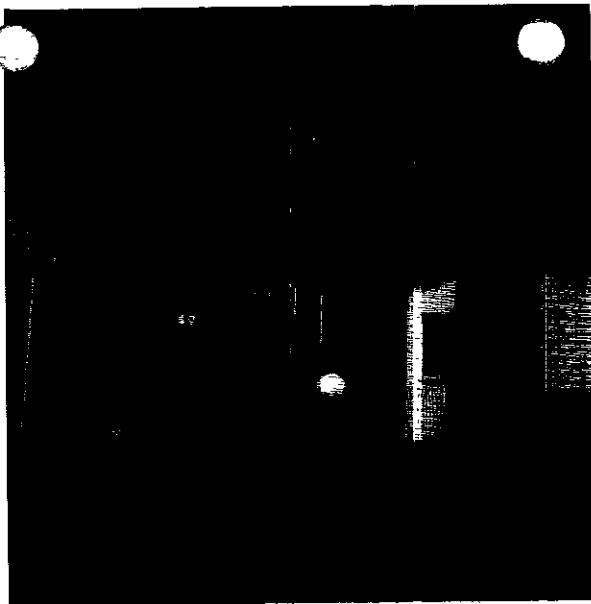
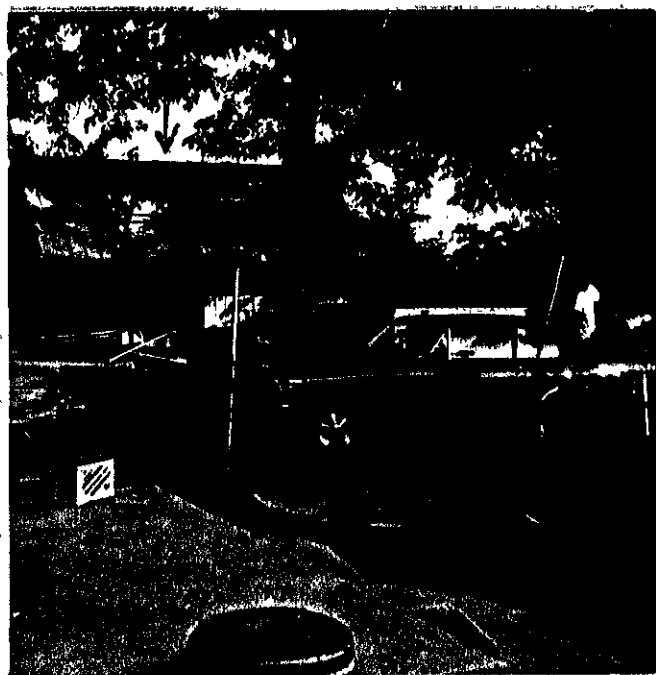
[illegible]

Prot No 2



this structure
is only 14 Ft.
high 8242 NORTHVIEW

8242 N.VIEW

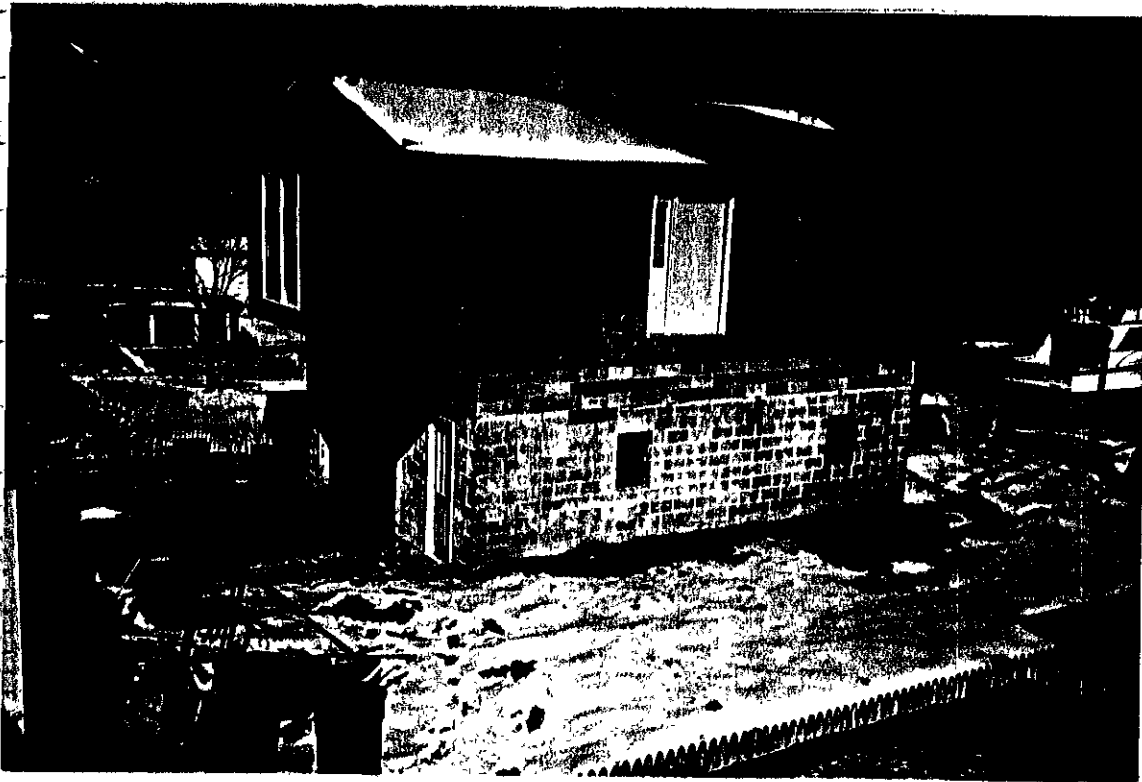


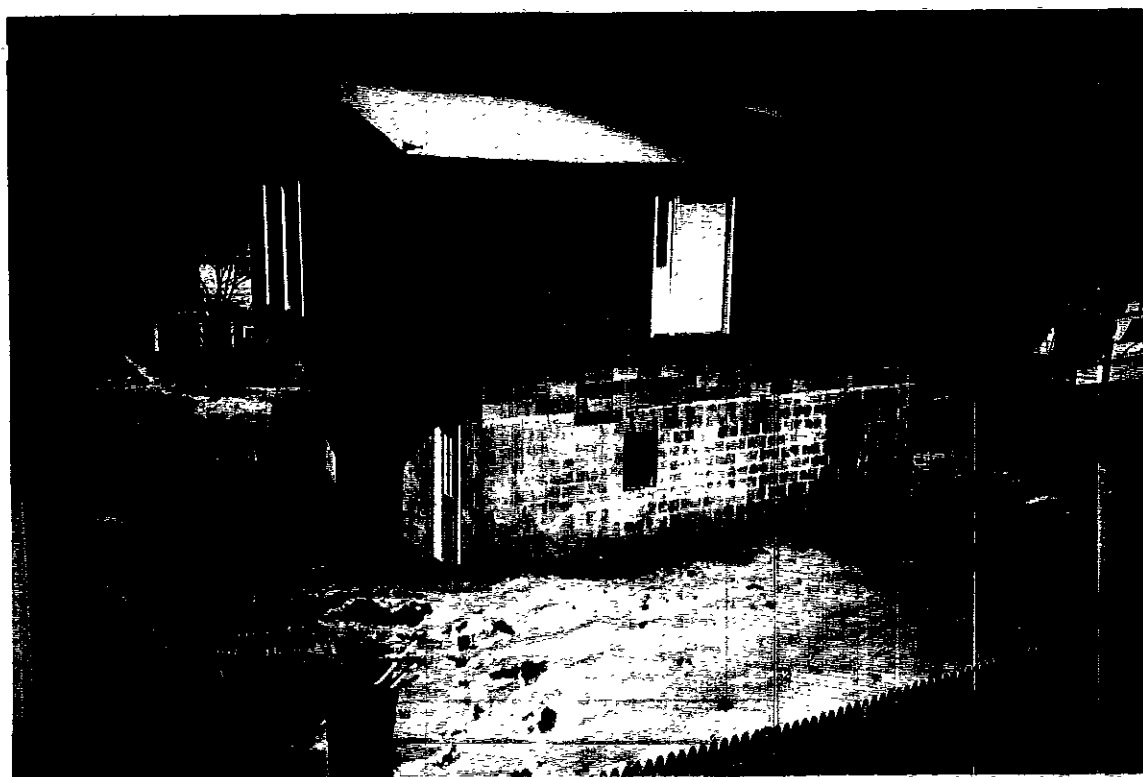
8240 NORTHVIEW



14' HIGH
8242 N.VIEW

14' GARAGE
HEIGHT







IN THE MATTER OF
THE APPLICATION OF
FREDERICK J. RADTKE, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE
NORTHVIEW ROAD, 800' EAST OF
CENTERLINE FAIRCRESS ROAD
(8240 NORTHVIEW ROAD)
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* * * *

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 95-317-A
* * * *

O P I N I O N

This case comes to the County Board of Appeals of Baltimore County from the Zoning Commissioner's Order dated June 21, 1995 in which a Petition for Variances was denied as to side yard setback and height variances, but was granted as to a front yard setback of 19 feet, (building to be remodeled). Frederic M. Brandes, Esquire, represented the Petitioners /Appellants. Wendy A. Zerwitz, Esquire, represented the Protestants; and Carole S. Demilio represented the Office of People's Counsel for Baltimore County.

The Petitioners offered two witnesses in support of their variance request. Mr. Paul Lee, President of Paul Lee Engineering Co., Inc., testified concerning the site and the need for the variances. He has been involved in planning and development since 1953, and is a registered professional engineer. His services were engaged by the Petitioners because of a permit request relative to existing structures which had suffered damage from a severe wind storm; and it had become necessary to replace the roof. He stated he had been informed the old roof was a cathedral type, and the height was approximately 21 feet, with a 9-foot wall and 13-foot roof. Petitioners' Exhibit No. 1 was admitted into evidence and represented a permit issued on May 27, 1994 by Baltimore County to

replace the old roof. The permit states: "Work; replace damaged metal roof with wood trusses and shingles on existing detached garage with storage area. Plans waived per JMA. 638 sq. ft., 22 by 29 by 21. Same height as original roof."

Mr. Lee testified that he was not familiar with the subject property until the Petitioners had engaged him for the original Zoning Commissioner's hearing. He testified as to the site plan, and indicated that, to the best of his knowledge, the subdivision was recorded sometime around 1942. The structure in question was situated in the front yard of the lot. The Baltimore County Zoning Regulations (BCZR) have uniformly interpreted the front portion of waterfront property as that portion of the lot between the house and the water. The structure in question also abuts the property line with an adjoining lot known as 8238 Northview Road. Mr. Lee explained that variances were being requested because the BCZR requires a side yard setback of 2-1/2 feet; and a maximum height of 15 feet. Petitioner was requesting a side yard setback of 0 feet for the existing garage, and a height variance to permit the present height of 22.9 feet to remain. An additional variance was also being requested from the BCZR to allow a 16-foot front yard setback for an existing garage in lieu of the required 25 feet.

Mr. Lee stated on cross-examination that he was not familiar with the old garage, did not have any personal knowledge of the former garage, and came into the picture only after the renovations had been completed; and that, as far as the garage's present height, he had not actually measured same.

He testified that the garage shed was large enough to accommodate two cars; but he had never been physically inside the new structure. He stated that he did not file for the permit, that it existed before he had been engaged by the Petitioners; and that it was his belief that the lot in question was approximately 50 feet wide by 125 to 128 feet in length.

Mr. Frederick Radtke also testified. He stated that he resided on York Road, in Baltimore County. He stated that the original garage had fallen into considerable disrepair; that the former cathedral roof had caved in from severe weather; and, accordingly, that he had secured a permit from Baltimore County to replace the roof 13 feet off the top of the block that made up the first story of the garage. He testified that he discussed the old roof with the former owner of the property before proceeding with the renovations.

Subsequently, he obtained a building permit from Baltimore County in May, 1974, and started in August, 1974 performing work on the building walls to support the roof.

Subsequently, a Baltimore County building inspector made an on-site visit, took him to the base of a nearby tree, and told the Petitioner to stay at 20 ft. 10 in. by using the tree as a footprint. The Petitioner stated that he had reconstructed the roof to be the same height as the old roof. On cross-examination, Mr. Radtke stated that the new building was used to house boat and jet skis; and that the second story was constructed to accommodate accessory uses in connection therewith. The area was large enough

to walk around in, and the garage was right on the edge of one neighbor's property, 40-50 feet away from the other neighbor's lot.

He admitted that, when the new roof was constructed, it did increase the storage space area; and that the height from the floor to the ceiling was 6'8".

Mr. Virgil Masters also testified on behalf of the Petitioner. He currently resides at 5625 Arnheim Road, Baltimore County. He had formerly owned the property for 30 years before selling it to the Petitioner.

He stated that he had seen the garage and that in his opinion it was approximately the same height as the formerly existing structure. On cross-examination, he stated that he had not actually measured the roof and that it had been roughly about one year since he had last seen the property, and that was by way of a "drive by" in which he did not get out of the car to walk around the property or look inside the structure. On cross-examination, he further stated that the garage was not there in 1959; but that he built it sometime thereafter, in 1962 or 1963. This testimony marked the end of Petitioner's case in chief.

The first witness for the Protestants was Mr. Howard Crawford, 8242 Northview Road. Mr. Crawford stated that he had owned the property on the right side of the Petitioner's lot since 1989 and had been attracted to the area due to the affordability of the waterfront property. He stated that the lots are adjacent, and that his property line to the side of the garage is approximately 30 feet. He stated that the majority of the lots in the immediate

area are all 50 feet apart, but do vary slightly in depth because of the shoreline. Some have small sheds for storage but nothing anywhere similar to the existing structure on the Petitioner's lot. He stated that he also had a shed on his property that was 12 feet by 20 feet, which was 35 feet away from the Petitioner's garage. Protestant's Exhibit 1 was submitted into evidence reflecting a photograph of the new structure, which Mr. Crawford stated was totally different from that which had previously existed in that the peak extended over and above the prior steel cathedral roof. He stated that the overhang did not exist previously on the old structure.

Protestant's Exhibit 2 was submitted and reflected a picture of the old garage. Mr. Crawford's main objection was that lot sizes in the area cannot accommodate the new structure and that the new roof completely dominates the scene so that he can no longer enjoy his previous view of the water and accompanying surrounding neighborhood. He stated that the new height of the roof makes him feel as though he is living with a wall; and that, based on personal observation, there are no other two-story garages in the immediate area located near the water.

Mr. William Linthicum, 8232 Northview Road, also testified. He stated that he lived three houses from the subject site on the same side of the street. He has lived there since 1950. His lot is 50 feet by 100 feet. He stated that he also had a shed, 18 feet by 20 feet by 10 feet in height, in which he stored basically garden tools and that the shed was between his house and the water.

He stated that the prior structure on the Petitioner's property had not impeded his enjoyment of the surrounding land and water area, but that the second garage, after construction, had closed up his view so that he could not see the river as far as he previously had been able to do so.

He further stated that there was no other structure of this size or shape as close to the water as the Petitioner's. He also stated that he had bought his property for its location, its deep water, and water view and that the new structure did not conform to the previous structure that had existed on the property.

Ms. Susan Crawford, Ms. Jeanne E. Rand, Mrs. Dorothy M. Linthicum, and Mr. James Gillman were proffered as witnesses for the Protestants. The Chairperson requested that these individuals stand and offer an indication that, had they testified, their testimony would have been similar to that in content of Mr. Crawford and Mr. Linthicum. They all nodded in the affirmative. Closing arguments were offered by opposing counsel.

The Baltimore County zoning ordinance, Section 307, "Variances," provides in relevant part that variances from the ordinance's provisions may be granted:

"...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance...would result in practical difficulty or unreasonable hardship."

The Baltimore County ordinance requires "conditions...peculiar to the land...and...practical difficulty...." Both must exist! It is only when uniqueness is first established that this Board must

then concern itself with the practical difficulties. Variances are to be granted sparingly, and only in rare instances and under peculiar and exceptional circumstances. To that end, a variance should be strictly construed. In the instant case, the sole relief sought is for the variances. Based upon the statutory and case law applicable, it is clear that the Petitioner has the burden to meet the criteria required for this Board to grant the variances requested.

In Cromwell v. Ward, 102 Md.App. 691 (1995), the Court of Special Appeals has provided guidance for this Board in its analysis of conditions in evaluating merits for a variance. In Cromwell, the Court writes: "We conclude that...a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on the specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists."

Judge Cathell further writes in Cromwell that: "Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship."

Based upon the testimony produced at the hearing and evidence submitted, this Board finds that the variances requested should be denied. The Petitioner has failed to produce any substantive evidence or testimony that the subject property is peculiar, unusual or unique as it relates to other properties in the

immediate neighborhood to satisfy the standards required by the Baltimore County statute or judicially established guidelines present in Cromwell v. Ward. The facts seem clear that the original building on the site was severely altered and reconstructed with a resulting height factor considerably higher than the previously existing garage. The second story of the new garage clearly exceeds that which previously had existed. To grant a variance would in effect be granting the establishment of a totally new garage. Furthermore, the Petitioner has not produced any evidence or testimony that the subject lot is in any way different, unusual or unique when compared with other lots in the immediate area.

Even if the Petitioner were able to satisfy the uniqueness standard, it also would have been necessary to demonstrate to the Board the practical difficulty or hardship required under the second prong of Cromwell v. Ward. Hardships or difficulties in this case, if any, were self-imposed.

There was no evidence or testimony which showed that the land is uninhabitable if this variance is not permitted and that nothing can be constructed if the height variance is not allowed.

O R D E R

THEREFORE, IT IS THIS 18th day of October, 1996
by the County Board of Appeals of Baltimore County

ORDERED that a variance from Section 400.1 and 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 feet for an existing garage in lieu of the required 2-

1/2 feet be and is hereby DENIED; and it is further


ORDERED that a variance to permit a height of the said building of 22.9 feet in lieu of the required 15 feet be and is hereby DENIED; and it is further


ORDERED that a variance from Section 1B02.3C.1 of the BCZR to allow a 19-foot front yard setback for an existing garage in lieu of 25 feet be and is hereby DENIED.

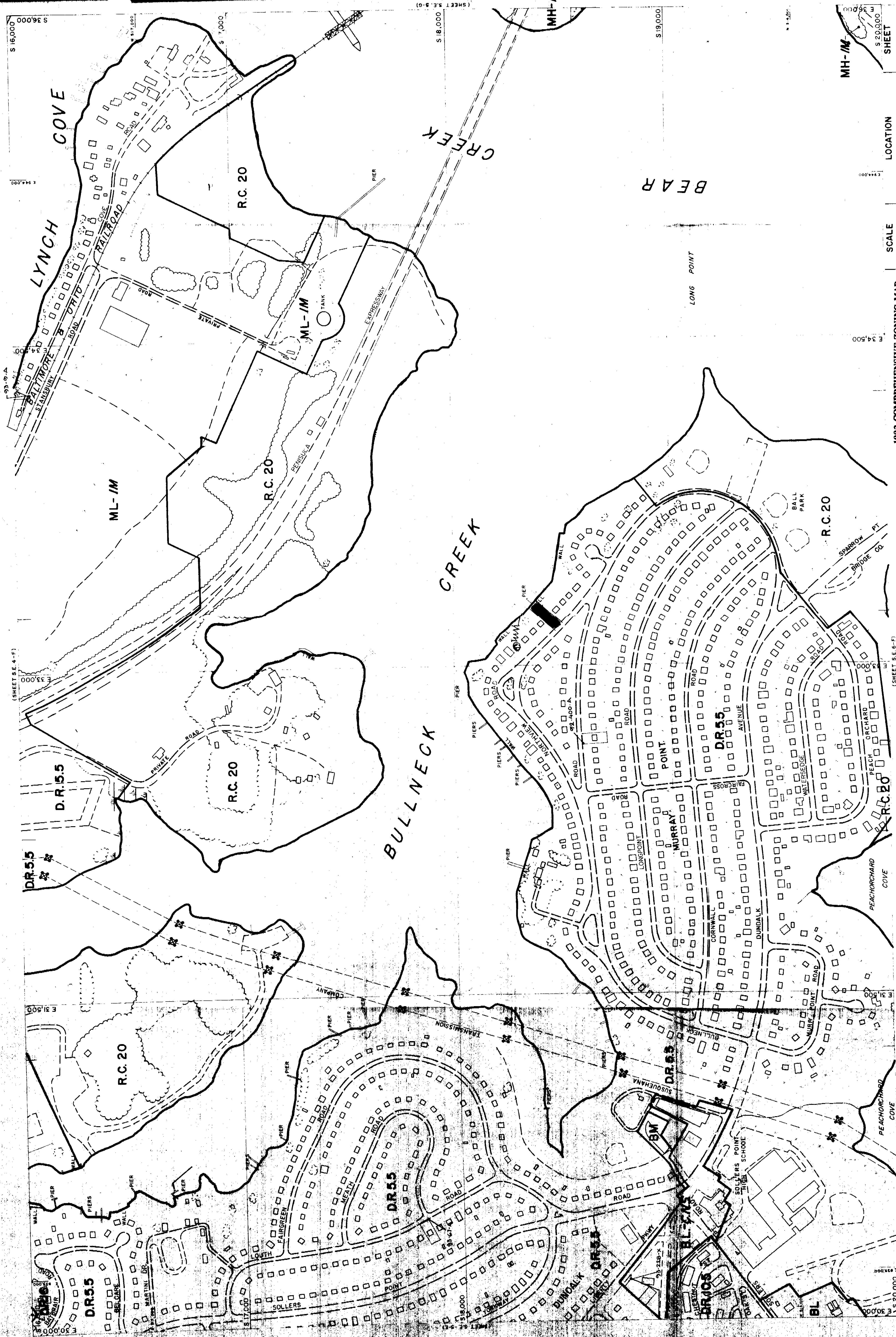
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Kristine K. Hewanski, Acting Chairman


Charles L. Marks


Harry E. Buchheister, Jr.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Map No. 83-92, 84-92, 85-92, 86-92, 87-92, 88-92, 89-92, 90-92, 91-92, 92-92

SCALE
1" = 200' ±

DATE
JANUARY 1996

PHOTOGRAPHY
JANUARY 1996

LOCATION
DUNDALK
SOLLERS POINT

SHEET
S.E.
5-F

MH-1M

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCKHART-HORN, INC., BALTIMORE, MD. 21210

F-SE E-SW
B-NE B-NW

LOCATION MAP
SCALE: 1"=500'

1. AREA OF PROPERTY
2. EXISTING ZONING OF PROPERTY
3. EXISTING USE OF PROPERTY
4. PROPOSED ZONING OF PROPERTY
5. PROPOSED USE OF PROPERTY
6. PETITIONER REQUESTING A VARIANCE TO SECTION 400.1 FLOODS OF THE ORDER TO PERMIT A SIDEYARD SETBACK OF 6' FOR AN EXISTING GARAGE IN LIEU OF THE REQUIRED 8.5' AND A HEIGHT OF 22.5' IN LIEU OF THE REQUIRED 18' (A VARIANCE OF 25' & 35') AND SECTION 100.01 PARA 6 FROM SETBACK FOR EX GARAGE IN LIEU OF 25' (IF APPLICABLE).
7. A PERMIT WAS OBTAINED BY THE OWNER TO REPLACE THE DAMAGED METAL ROOF ON THE GARAGE WITH WOOD SHAKES AND SHINGLES (PERMIT 01714, ISSUED 5-27-24).
8. THE PERMIT WAS FOR A ROOF HEIGHT OF 21' (SAME HEIGHT OF DAMAGED ROOF).
9. THE HEIGHT OF THE EXIST GARAGE WAS ESTABLISHED FROM THE GROUND ELEVATION OF THE EXIST TREE LOCATED AT THE REAR OF THE GARAGE. NEW ROOF HAD BEEN INSTALLED WHEN 50' WORK ORDER WAS ISSUED AND HEIGHT VARIANCE REQUESTED.
10. PUBLIC UTILITIES EXISTING AT PROPERTY.
11. PROPERTY HAS NO ZONING HISTORY.

"MURRAY POINT
SECTION 5
C.H.K. 13-19

95-317-A

PLAT TO ACCOMPANY PETITION

505

VARIANCES

*
8240 NORTHVIEW ROAD

ELECT. DIST. 12C7 BALTIMORE CO, MD.

SCALE: 1" = 20'

JAN. 18, 1995
MAR. 5, 1995

#3/2

OWNER:
FREDERICK J. NAOTKE, JR.
704 ELMWOOD ROAD
BALTIMORE, MARYLAND 21206

PAUL & E.E. ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOMSON, MARYLAND 21204

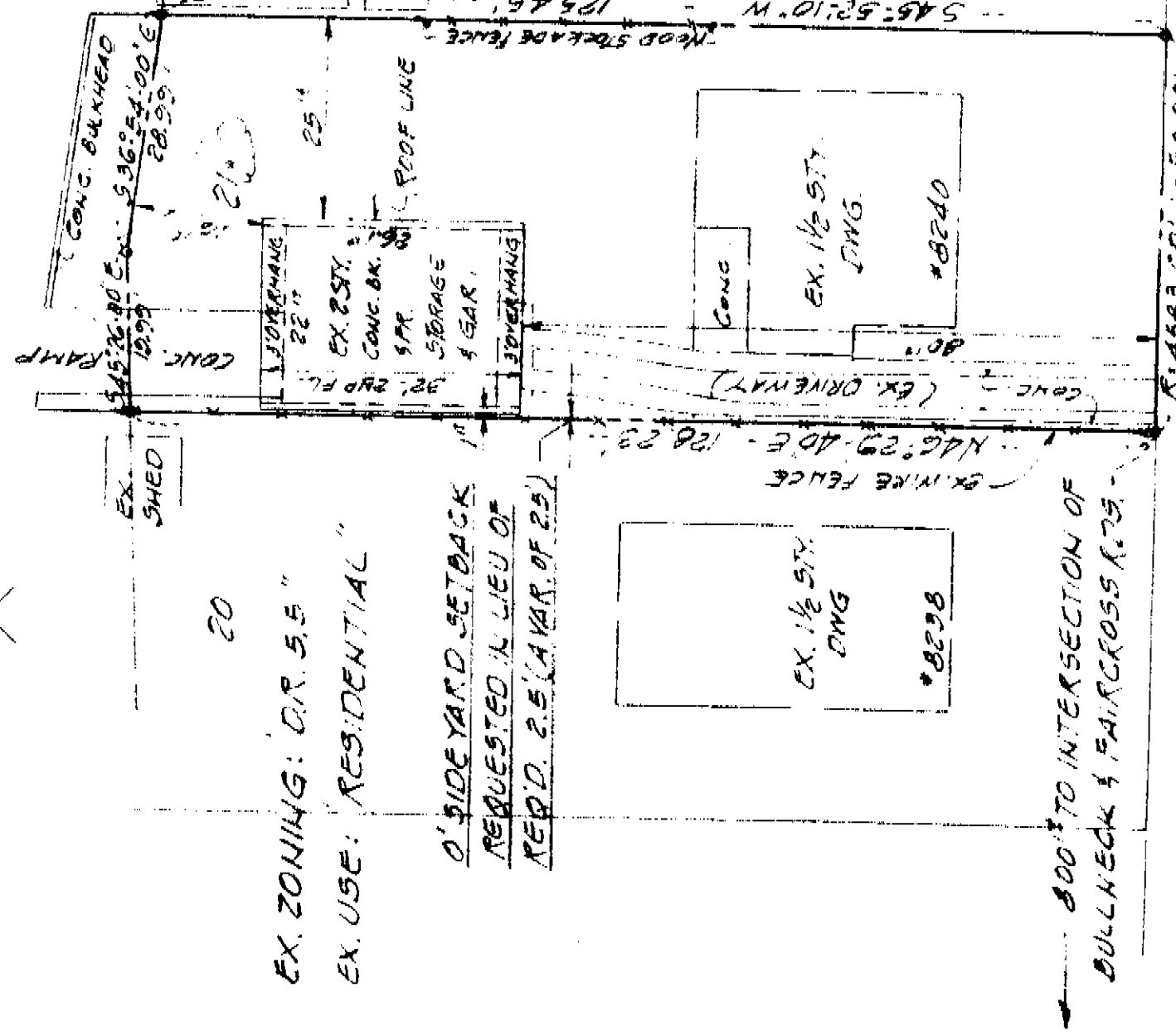


5094-045

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BULL NECK CREEK

16' FRONT SETBACK REQUESTED
(APPLICABLE) IN LIEU OF REQD.
25' (A VAR. OF 25')



EX. ZONING: DR 5.5"
EX. USE: RESIDENTIAL

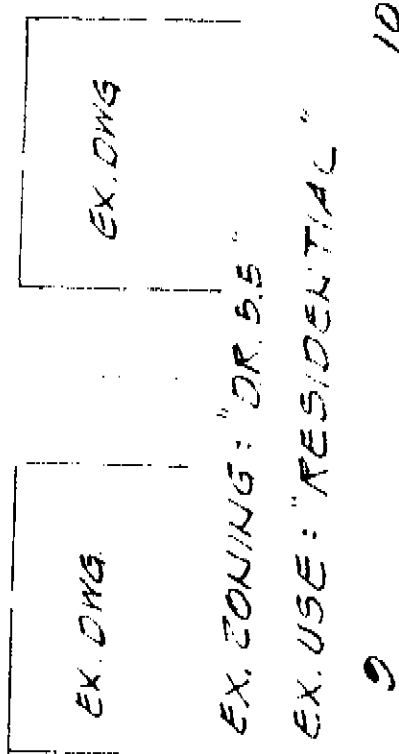
0' SIDE YARD SETBACK
REQUESTED IN LIEU OF
REQD. 25' (A VAR. OF 25')

EX. SAN. 5.7

NORTHVIEW

EX. WATER EX. CURB

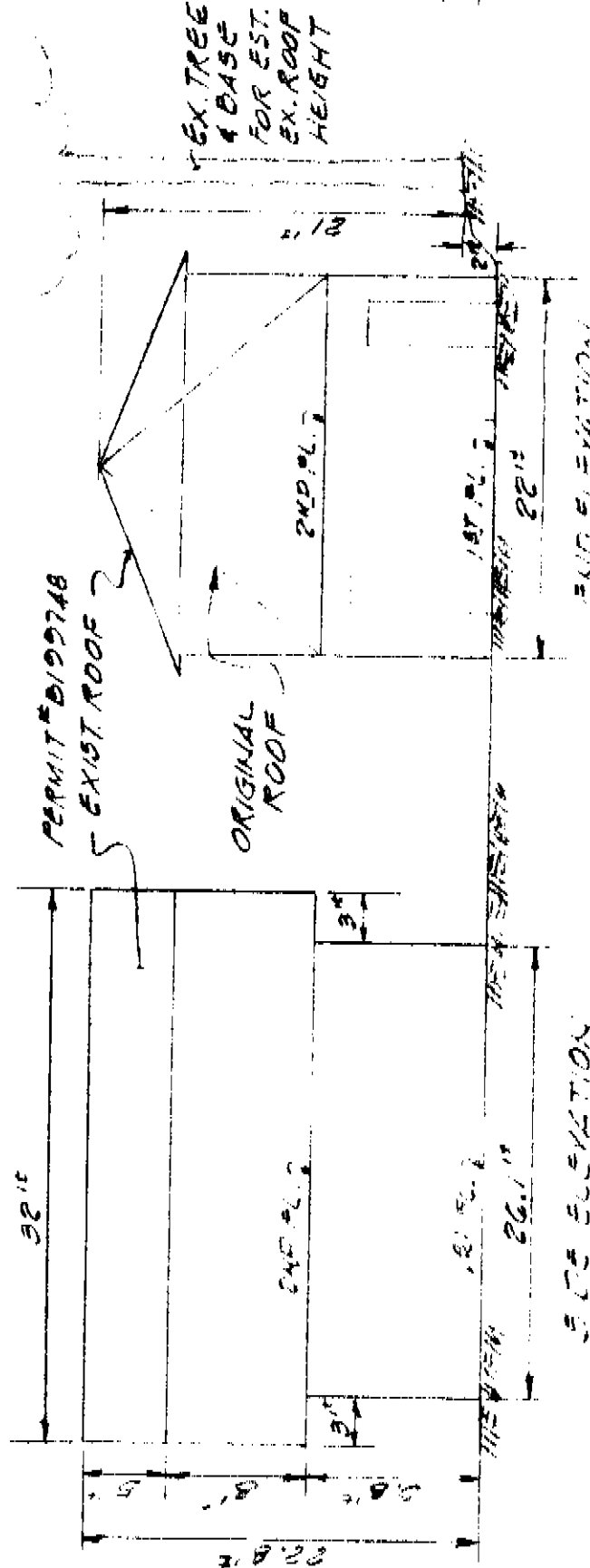
ROAD



EX. ZONING: DR 5.5"
EX. USE: RESIDENTIAL

9

10



EXIST. GARAGE & STORAGE AREA
SCALE 1" = 10'

GENERAL NOTES

1. AREA OF PROPERTY: 6125.91' (0.141 AC.), GROSS: 0.169 AC.
2. EXISTING ZONING OF PROPERTY: "DR 5.5"
3. EXISTING USE OF PROPERTY: "RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY: "DR 5.5"
5. PROPOSED USE OF PROPERTY: "RESIDENTIAL"
6. PETITIONER REQUESTING A VARIANCE TO SECTION 400.11.400.3 OF THE ZONING TO PERMIT A SIDEYARD SETBACK OF 0' FOR AN EXISTING GARAGE IN LIEU OF THE REQUIRED 2.5' AND A HEIGHT OF 22.9' IN LIEU OF THE REQUIRED 15' (A VARIANCE OF 25' & 29') AND SECTION 400.901 FOR A 15' FRONT SETBACK IN LIEU OF 25' (A VARIANCE OF 25').
7. A PERMIT HAS BEEN OBTAINED BY THE OWNER TO REPLACE THE DAMAGED METAL ROOF ON THE GARAGE WITH WOOD SHAKES AND SHINGLES PERMIT # 899748 ISSUED 5-27-94. THE PERMIT HAS FOR A ROOF HEIGHT OF 20' SAME HEIGHT OF DAMAGED ROOF. THE HEIGHT OF THE EXIST. GARAGE HAS BEEN LIFTED FROM THE GROUND ELEVATION OF THE EXIST. TREE LOCATED AT THE REAR OF THE SHED. NEW ROOF HAD BEEN INSTALLED WHEN STORM WATER CREEK WAS SLOPED AND HEIGHT VARIANCE REQUESTED. A PUBLIC UTILITY TUNNEL AT PROPERTY.
8. PROPERTY HAS NO ZONING HISTORY.

"MURRAY POINT"
SECTION B
CH. 13-15

Plt. 94-043

PLAT TO ACCOMPANY PETITION
FOR

VARIANCES
#8240 NORTHVIEW ROAD

ELECT. DIST. 1207 BALTIMORE CO, MD
SCALE: 1" = 20'
JAN. 18, 1995
MAR. 9, 1995

OWNER:
FREDERICK J. RADTKE, JR.
704 ELMWOOD ROAD
BALTIMORE, MARYLAND 21206



PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

94-043